

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

G-44

**Journal  
des débats  
(Hansard)**

G-44

**Standing Committee on  
General Government**

Supporting Broadband  
and Infrastructure Expansion  
Act, 2021

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament  
Friday 26 March 2021

**Comité permanent des  
affaires gouvernementales**

Loi de 2021 soutenant  
l'expansion de l'Internet  
et des infrastructures

1<sup>re</sup> session  
42<sup>e</sup> législature  
Vendredi 26 mars 2021

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Chair: Goldie Ghamari  
Clerk: Isaiah Thorning

Présidente : Goldie Ghamari  
Greffier : Isaiah Thorning

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House Publications and Language Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires  
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Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Friday 26 March 2021

Vendredi 26 mars 2021

*The committee met at 0900 in room 151 and by video conference.*

**SUPPORTING BROADBAND  
AND INFRASTRUCTURE EXPANSION  
ACT, 2021**

**LOI DE 2021 SOUTENANT  
L'EXPANSION DE L'INTERNET  
ET DES INFRASTRUCTURES**

Consideration of the following bill:

Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters / Projet de loi 257, Loi édictant la Loi de 2021 sur la réalisation accélérée de projets d'Internet à haut débit et apportant d'autres modifications en ce qui concerne les infrastructures et des questions d'aménagement du territoire.

**The Chair (Ms. Goldie Ghamari):** Good morning, everyone. The Standing Committee on General Government will now come to order. We are here for public hearings on Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters.

The following members are participating remotely via Zoom: MPP Guy Bourgouin, MPP Stephen Crawford, MPP Amarjot Sandhu, MPP Mike Schreiner, MPP Daisy Wai, MPP John Vanthof, MPP Jennifer French, MPP Sam Oosterhoff, MPP Burch and MPP McDonnell. Do we have any other committee members who have joined us on Zoom?

*Interjection.*

**The Chair (Ms. Goldie Ghamari):** Minister Walker has also joined us. Minister Walker, can you please confirm that you are present and that you are Minister Walker and that you are in Ontario?

**Hon. Bill Walker:** I am present, Madam Chair, and I'm honoured to be here with all of you.

**The Chair (Ms. Goldie Ghamari):** Thank you.

We are also joined by staff from legislative research, Hansard, and broadcast and recording.

Please speak slowly and clearly and wait until I recognize you before starting to speak. Please take a brief pause before beginning and, as always, all comments should go

through the Chair. Are there any questions before we begin?

Our presenters today have been scheduled in groups of three for each one-hour time slot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questioning for all three witnesses, divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition members and two rounds of four and a half minutes for the independent member of the committee. Are there any questions?

**CANADIAN GAS ASSOCIATION  
ENVIRONMENTAL DEFENCE  
CANADIAN COMMUNICATION SYSTEMS  
ALLIANCE**

**The Chair (Ms. Goldie Ghamari):** I will now call upon the Canadian Gas Association. You will have seven minutes for your presentation. Please state your name for Hansard, and you may begin.

**Mr. Paul Cheliak:** Good morning. My name is Paul Cheliak, vice-president of strategy and delivery with the Canadian Gas Association.

Good morning, Chair and members of the Standing Committee on General Government. Thank you for the opportunity to speak to you today regarding Bill 257, Supporting Broadband and Infrastructure Expansion Act.

The Canadian Gas Association is Canada's voice of the natural gas delivery industry. Our members include natural gas utilities, transmission operators and service providers to the industry. Across Canada, natural gas meets 35% of the country's energy needs and is the largest source of energy in both the buildings and the industrial sectors of our economy. Natural gas is delivered to 20 million Canadians through 575,000 kilometres of underground infrastructure. Ontario is home to nearly 50% of Canada's natural gas consumers and Canada's largest natural gas utility, Enbridge Gas Inc.

For every CGA member, public and worker safety is our top priority. Safety is at the core of what we do every day, and it underpins our values. My remarks today will focus largely on the safety-related issues presented by Bill 257 in its current form.

We recognize the intent of the bill and believe in the value of expanding broadband access to Ontarians. We

want to find a way to make the bill workable for all those involved. Our three principle areas of concern include worker and public safety, energy affordability and timelines.

First, regarding worker and public safety: We are concerned with the language in section 21 of the bill. As drafted, the bill affords the minister authority to authorize digging without locates in the event the One Call member does not complete its work within a 10-day period. This represents a significant departure from long-standing safe-digging practices in Ontario. Such an authorization would place the safety of Ontarians at risk due to the potential to strike high-pressure gas lines or other energy infrastructure buried beneath the surface. Damage to this infrastructure could lead to serious injury, affect adjacent property and interrupt vital energy services that Ontarians depend on at home, at work and on the road.

Obtaining locates is an essential part of ensuring safe excavation and is a requirement of the Technical Standards and Safety Act, the Ontario Underground Infrastructure Notification System Act, the Occupational Health and Safety Act and other code standards and industry best practices. These sources of law have been developed in partnership with the excavation industry, utility companies and safety regulators. They ensure that both workers and the public remain safe by ensuring there is a process to secure locates before ground is broken on a project. For context, over two million locates are completed for natural gas infrastructure each year in Canada.

If this provision is left in Bill 257, the government would be enabling unsafe excavation practices. We understand that section 21 is intended to serve as a backstop measure. However, I would like it on the record that there is never a circumstance that warrants the safety risks associated with digging without locates. The risks are simply too high. We are prepared to find a workable solution to ensure the timely delivery of the locates that will support the government's broadband infrastructure priorities.

Our second area of concern is energy affordability. Provisions in section 21 seek to prevent a utility from recovering losses or damages incurred where an excavator, digging without locates, damages infrastructure. It is our assessment that any costs arising from damages should not be passed on to ratepayers. Natural gas delivery companies and their consumers should not be held responsible in instances where authorization to excavate was given without following the established safety procedures.

Further regarding timelines, Bill 257 proposes a 10-day requirement for completing locates associated with broadband projects. At current, the biggest challenge in providing timely locates is the lack of notice from project proponents. To deliver locates efficiently, industry requires a line of sight on major projects. This allows sufficient time to hire, train and allocate locators to these projects. Should digging information not be provided in advance, 10 days is simply not a reasonable timeline to onboard the necessary human resources.

To facilitate the completion of locates, we recommend that broadband project proponents be required to submit

plans, with timelines, with 120 days of advance notice. Further, because of their size and scope, broadband expansion projects would benefit greatly from a dedicated locator. This project locator would support all the locate needs of a discrete project. This dedicated model has been undertaken on other large infrastructure projects in Ontario, such as transit, and has resulted in locate timeline efficiencies.

In summary, while CGA is supportive of the government's plans to expedite the delivery of broadband projects, we have serious concerns around its implications on the safety of Ontarians. Our recommendation is that section 21 be removed—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Paul Cheliak:** —from Bill 257, and that government work with industry to find a workable solution under existing and well-established processes for infrastructure development. Doing so will ensure the safety of Ontarians, support confidence in broadband project development and ensure seamless functioning of critical energy infrastructure for Ontarians across the province.

Thank you for the opportunity. That concludes my remarks.

**The Chair (Ms. Goldie Ghamari):** Thank you very much for your presentation. At this point, we'll now turn to Environmental Defence, Phil Pothen. Please state your name for the record, and then you may begin. You will have seven minutes.

**Mr. Phil Pothen:** Good morning, committee members. I'm Phil Pothen. I'm Ontario environment program manager for Environmental Defence.

Environmental Defence is requesting the removal of schedule 3 of Bill 257, the Supporting Broadband and Infrastructure Expansion Act. As a preliminary matter, Environmental Defence agrees with and adopts in their entirety the written submissions of Ecojustice regarding the serious constitutional and rule-of-law breaches that arise from the ex post facto nature of schedule 3. However, the body of this submission is going to be directed to the grave, substantive and procedural damage that schedule 3 will cause to land use planning and environmental protection going forward if the Legislature fails to remove it from Bill 257.

Schedule 3 of Bill 257 aims to empower a single minister to authorize essentially any form of development almost anywhere in the most populated parts of the province, in defiance of the provincial policy statement, the most basic principles of good land use planning. The dangers of this course are really hard to overstate.

**0910**

First, substantively, this would strip away one of the last remaining protections against dangerous, wasteful or hard-to-service development, endangering individual Ontarians in the short term and, in the long term, undermining the viability of our towns and cities. On the systemic level, it would move Ontario from a system of principled, predictable and rules-based planning to what is really a system of development approval by fiat.

Schedule 3 would allow, first of all, development that endangers people, the environment and the long-term

viability of towns, cities and rural areas. The provincial policy statement, despite its mundane name, is a tool that we rely on to enforce the bare minimum standards for land development approvals in Ontario. These standards are the product of years of careful refinement. If the development application does not meet the standards set out in the provincial policy statement, that development should not be approved at all. It's as simple as that. Yet the effect and the only plausible forward-looking purpose of this legislation is to let the minister unilaterally approve development that fails to meet those most basic standards.

First of all, schedule 3 would create a gaping hole in the system that protects Ontario's environment. The legislation seems to have been conceived in an attempt to frustrate Environmental Defence and Ontario Nature's legal challenge of the minister's zoning order that breaches provincial policy statement prohibitions on provincially significant wetlands. Some of the most obvious environmental harms it would cause would be to allow development and site alteration that destroys provincially significant wetlands, coastal wetlands, woodlands and areas of natural and scientific interest.

That danger is really amplified to a huge degree by the fact that we've already, just in December, removed the other main protection against that form of risk. Now, because of schedule 6, conservation authorities, which we might otherwise have relied on here, are forced to issue development permits, even when they know the development in question is likely to put Ontarians in harm's way from flooding or landslides.

However, the development exempted from PPS requirements would pose a lot of other very real environmental and public health risks. That's because it is the PPS that we rely on to impose the floor, the minimum requirements, such as requiring that facilities in sensitive lands shall be planned to avoid and minimize risk to public health and safety from contaminants. It's the PPS that says we have to avoid development patterns which cause environmental and public health and safety concerns. And it's the PPS that we rely on to ensure that development must take account of climate change.

The danger that schedule 3's amendments would pose to the environment directly are very severe, but they aren't limited to direct impacts on the environment. Schedule 3 proposes amendments to the Planning Act that threaten the long-term viability of Ontario towns and cities in ways that go well beyond direct impacts on the environment and natural heritage. That's because the PPS establishes the minimum standards for long-term viability of communities and development as well. For example, it's the PPS that requires that we provide for a mix of uses that will meet our long-term needs. It's the PPS that requires that we design our streets and lay them out in ways that are going to be safe. It's the PPS that requires that public services facilities be coordinated and integrated with land use planning so that they're financially viable over their life cycle and available to meet projected needs in the future.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Phil Pothén:** So I just want—excuse me?

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Phil Pothén:** All right.

So just to put some meat on those bones: The failure years and years ago, before we had the provincial policy statement, to adhere to these standards is the reason why it's so costly to run subway service to many parts of Ontario, to provide effective transit; that's what the PPS is meant to prevent. But there's also a broader-principled problem here, and that is, this is going to remove pressure at the municipal level for developers to even bother to try and conform with municipal plans. That is because while the minister has said the minister will not approve MZO for locations against the will of municipalities, there is no legal—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That concludes this round for presenters. We'll now turn to our third presenter, Canadian Communication Systems Alliance. Please state your names for the record and then you may begin. You will have seven minutes. Thank you.

**Mr. Jay Thomson:** Thank you, Madam Chair and committee members, for inviting us to speak today. I am Jay Thomson, CEO of the Canadian Communication Systems Alliance, or CCSA. With me today is Chris Edwards, our vice-president of regulatory affairs.

CCSA represents about 100 independent communications companies across the country, providing TV, Internet and telephone services in smaller communities and rural areas. Thirty-seven of our members are in Ontario, serving communities as far north as Moose Factory at the entrance to James Bay, and as far south as Cottam in the southernmost municipality in the province, and in fact, in the country. Together, our members serve over 100,000 customers across the province.

Many of our members operate in areas that, because of their low population density, do not typically attract network investment from the big telecom companies, even with subsidized federal or provincial capital project funding. Nevertheless, despite the challenges, our members are working to extend their existing broadband networks to serve new customers in the areas that surround them. Many have applied for federal funding, and they also hope to leverage some of the welcome \$2.8 billion just announced in Ontario's budget.

Unlike the big telecom companies, which think in terms of customers per pole, CCSA members generally think about how many poles per customer are needed to serve their communities. Instead of fibre to the home, they often think in terms of fibre to the barn. Extension of their broadband service to a single new customer may well involve kilometres of fibre strung across numerous poles or trenched along public rights-of-way.

That is why timely and cost-effective access to support structures is a special challenge for these companies. Those cost and time challenges can be enough to discourage them from undertaking worthy new network-building projects. For those reasons, CCSA's Ontario members regard Bill 257 as a hugely positive and important

development. We congratulate Ontario for its initiative in recognizing the barriers that exist to rolling out new broadband networks and for taking concrete steps to tackle those barriers head-on. That is the context for our following comments regarding Bill 257.

We have three concerns. First, we are uncertain as to the scope of projects covered by the bill. That is, we do not know what constitutes a broadband project of provincial significance within the meaning of section 1 of the bill. We would hope that such a definition does not by itself exclude smaller network-building projects.

Second, we note that the bill would apply only to designated broadband projects. Again, we would be concerned if smaller broadband-building projects were to be excluded from the outset by a designation process. Also, as we understand it, what constitutes a designated broadband project will be subject in each case to the making of an associated regulation. To us, that raises concerns regarding timing and flexibility; namely, how long will the regulation-making process take, and will it be flexible enough to apply the benefits of the legislation to new projects as they are developed and proposed over time? CCSA respectfully recommends that a lower, more flexible administrative process be employed to designate broadband network-building projects, so that the benefits of the bill can be applied quickly and effectively as new projects are developed.

Our third comment on the bill is regarding the length of time involved in the enforcement process available to the minister, where a distributor or transmitter is not undertaking work required of it. As written, the process starts with a notice to the distributor or transmitter, which is then given a minimum of 60 days to comply. If the distributor or transmitter doesn't comply in that period, the minister can then order it to carry out the necessary work. If the work is still not done, the minister can then assess an administrative monetary penalty for convening the order. In our view, those timelines are simply too long to provide effective relief for companies which are trying to build new broadband networks quickly and cost-effectively, so to the extent possible, the timelines for those procedural compliance steps should be shortened.

**0920**

Madam Chair and members of the committee, CCSA's recommendations are intended to promote timely and flexible actions to remove barriers to completing broadband-building projects as they arise. Again, our members are greatly encouraged by the province's commitment to extending broadband infrastructure to unserved and underserved Ontario communities and citizens. That's why we strongly support Bill 257.

Thank you again for this opportunity, and we would be pleased to take your questions.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. I appreciate that.

At this point, we'll turn to our first round of questions, beginning with the government for seven and a half minutes. Who would like to begin? Please raise your hand

so that I can see it. MPP Crawford, you have seven and a half minutes. You may begin.

**Mr. Stephen Crawford:** Thank you to all the presenters. I listened intently to all three of you, and I appreciate all your input.

My first question would be to the Canadian Communication Systems Alliance. I just wanted to get a little more—seven and a half minutes isn't a lot of time, obviously, and we want to get as much information as possible. By the way, I'm the parliamentary assistant to the Minister of Infrastructure, so I work pretty closely with Minister Scott and certainly want to hear from stakeholders like yourselves in terms of how we can do better.

Broadband is obviously something that's very important to our government. We recognize, particularly through COVID, the lack of broadband infrastructure throughout Ontario. There's really a digital divide right now in the province; I think we can all agree on that. There are many people in this province who don't have proper access, which hurts families, businesses and children, of course, trying to get some proper schooling through the pandemic. So we know there are a lot of people who are affected by this, and we want to bridge that divide. I think we're on the same page.

I just wanted to get a sense from you—first of all, more a general comment, and then I'll go more specific. You tend to be supportive of the bill; there are a few concerns you have. Just in general, in terms of the bill, how do you feel this will help bridge the digital divide in some of the remote communities and First Nations communities in Ontario?

**Mr. Jay Thomson:** Thank you for the question. Our organization and our members, like the government of Ontario, are strongly committed to rolling out broadband, serving Canadians and bridging that digital divide, and, as I said in our opening remarks, we've taken advantage of opportunities to access government funding, both provincially and federally, to help in that respect.

The whole area of access to support structures has been a barrier to the rollout of broadband services in rural Canada since we've tried to start rolling out broadband, because of the costs of access to the poles and the time it takes to get the proper permits in order to get access to those poles. They are typically owned by a major telecom company or a hydro company, and in the case of telecom companies, they are often in competition with those of our members who are trying to access the poles in order to extend service, so unfortunately there's often some gamesmanship that takes place in trying to get access to those poles. So it can take a very, very long period of time—we've heard up to two years—to get the necessary permits to get onto the poles in order to extend service.

So, generally speaking, the bill is going to advance how access to poles will take place, improve the process and speed up the process, and that can only be good in terms of getting timely access to broadband services wherever Ontario citizens live.

**Mr. Stephen Crawford:** Yes, and you mentioned, as well—I think your first concern was about trying to make



the timeline a little shorter and more flexible. Could you expand on that?

**Mr. Jay Thomson:** I'll ask Chris Edwards to respond.

**Mr. Chris Edwards:** Yes. Thank you. The question of timelines in the legislation, to our minds, actually follows on what has already happened before the legislation begins to work as a backstop. You can presume that at the point that the minister is asked to issue a notice, for instance, there has already been a back and forth between the proponent and the transmitter or distributor regarding getting permits to either do work or have work done to make a pole ready and to actually get the attachment onto the pole. So you can presume that considerable time has probably passed before the proponent actually asks for some of the backstop function of the bill.

At that point, you've already had a fair amount of time go by, and then you're into a process whereby the minister can issue a notice to the distributor or transmitter saying, "You need to do the work or allow the work to be done." Then I guess the area of chief concern when we look at it is that minimum of 60 days before the minister can then issue an order. And of course the order, again, is a premise for the ultimate sanction of AMPs, administrative monetary penalties.

So we view the timelines in the bill as part of a larger continuum of timelines, beginning with the start of a project or the development of a project.

**Mr. Stephen Crawford:** Okay. As well, you mentioned, I guess, some concern about maybe the definition of size of a broadband project to provincial significance. Could you expand on that, just explain that a little bit more?

**Mr. Jay Thomson:** Again, I'll ask Chris to respond.

**Mr. Chris Edwards:** Sure, I'll pick that up, and thank you for the question. I guess I have to start by saying that CCSA comes to this only having read the bill. We haven't really been party to any discussion or context around that. We see what is in the bill and that's all we see.

What we see is that the bill will be applicable to "projects of provincial significance," and when we read those words, we say, "Well, what does that mean exactly? Does this mean province-wide projects? Does it mean a certain monetary threshold? Is it a threshold of customers who will newly receive service as a result of the project?" We don't know, and the concern we're expressing is that where our members tend to have smaller projects, much more locally defined, we want to ensure that they are not excluded from any of the benefits of the bill, the backstops that occur—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Chris Edwards:** Thank you.

**Mr. Stephen Crawford:** Okay. We've only got a minute left, but do you feel this type of legislation will incent more development of broadband by private providers in rural areas?

**Mr. Chris Edwards:** I see two things here. I think first, the bill, if enacted, operates as a signal to the industry that the government is serious about getting broadband projects built; and then second, as I've mentioned a couple

of times, it does, in our view, provide a backstop when the proponents are facing real problems attaching to passive infrastructure in order to get their new projects built.

**Mr. Stephen Crawford:** Okay. I think we're out of time, so I'll pass it back to the Chair. Thank you very much.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. We'll now turn to the official opposition for seven and a half minutes. Who would like to begin? MPP French.

**Ms. Jennifer K. French:** Good morning, everyone. Are you able to hear me?

**The Chair (Ms. Goldie Ghamari):** Yes.

**Ms. Jennifer K. French:** Okay. Good morning, everyone. Thank you for your presentations. It is interesting hearing from three very different groups, but I recognize that the need for good planning is a theme that goes through all of you.

My first question—I think I'll start at the top, with CGA. A quick question for you about the consultation process: Hearing your concerns on this, I'd just like to know if your organization, if you folks were consulted in the development of this bill?

**Mr. Paul Cheliak:** The Canadian Gas Association specifically was not. The member company in Ontario, Enbridge Gas Inc., may have been. I don't have an answer to that for you.

**Ms. Jennifer K. French:** Okay. And you had outlined your recommendations about the timelines and whatnot. Are you able to explain, if the timelines are not appropriate and long enough, what some of the challenges might be, briefly?

**0930**

**Mr. Paul Cheliak:** For complex projects like broadband, our recommendation is for a dedicated locator, an individual to work with the project proponent. That dedicated locator would be on-site for the duration of the locate needs. They would follow the right-of-way in advance of the excavation process. That dedicated locator model has been very successful, both in transit projects and other major infrastructure projects in the province. That's one part.

The other part is really around advance warning. Companies have been building infrastructure on the energy side for over 100 years in the province. We do it successfully; we do it safely; we do it under rigorous code standards, laws and regulations. But in order for us to continue to serve the needs of the province with its broadband infrastructure needs, forewarning—and 120 days is our recommendation—as to what a project looks like, where it is going to be, what it looks like for people on the ground, including our companies, is what we're asking for. If that project timeline is submitted, that provides a lot more clarity and assurance that the locates will be provided in time.

**Ms. Jennifer K. French:** Thank you. What I had said earlier about the need for planning and communication seems to be something everybody is sharing.

Just finishing up with another question for you, Paul: With what you're hearing from schedule 3 and the other presenters, do you have concerns about the government's want to have that ability to override the PPS when it comes to planning? How do you feel about that? Do you have concerns that if the government is able to override the PPS, that may make things more challenging for your organization and members to be able to plan?

**Mr. Paul Cheliak:** We don't have a specific comment on that section of the bill at this time.

**Ms. Jennifer K. French:** Thank you. I would be interested, when you watch that unfold, if you have comments, to share that another time.

Phil from Environmental Defence, thank you. I've been appreciating seeing all of the work that's happening, of course locally with Duffins Creek, but broadly across the province. We're keeping our eyes on a number of projects, I think, and this bill makes us very nervous about schedule 3. Hearing your comments, I wondered if you wanted a chance to finish. You were talking about the pressure at the municipal level. This is a government and a minister that says they're going to be partners with municipalities and that they're leaving the decisions up to those municipalities, that the province isn't taking responsibility for provincial protections. Can you speak to that?

**Mr. Phil Pothen:** The scale of impact of this schedule 3 goes far beyond the specific areas of land that are subjects of MZOs, and that is because, even though the government has said rhetorically that it will only grant MZOs when requested or supported by a municipality, there is no legislative restriction to that effect. We think there ought to be such a legislative restriction. This means that a developer can always hold over the city's head the prospect that, "Well, you know, we have connections with the government. We are just going to go and ask for an MZO and then we won't have to follow any of your official plan or zoning restrictions." This will make it hard for the municipalities, even outside of MZO areas, to hold the line and stick to rules that actually are consistent with the PPS, because there is a non-PPS route available.

This is such a significant problem. We've actually gotten more—we've been copied, just ourselves, on more emails to the minister and MPPs about this issue than even on schedule 6, which was extraordinarily engaging. We've been copied on more than 7,500 emails to the minister about this issue and I think we've been notified about 700-odd calls to different MPPs. So we know that this is a big concern, and the significance of the problem is really illustrated by what happened in Duffins Creek—and also just the lack of need for this legislation. It was clearly the impression of many people that a certain project, this facility, could not go ahead if not for this MZO, if not for smashing past all these barriers to developing a particular site, but we found that that wasn't the case. There was an alternative site and there are alternative sites for any development that people say requires an MZO.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Phil Pothen:** It may not be a site that benefits the particular landowner that the government might want to

benefit, but there is a site for this economic development to happen. So there is no necessity for schedule 3 and there's no necessity for exposing Ontarians to all the risks that schedule 3 imposes.

**Ms. Jennifer K. French:** Phil, I will tell you that yesterday at committee the Minister of Municipal Affairs did say that schedule 3 was vital. I have yet to have an understanding of how it's vital to the province.

I look forward to the second part, and I will ask you about Duffins Creek. A lot of people are declaring victory, but there's still a permit to pave, so I'm going to look for a little bit of clarity there so that we can have all of the pieces while we have your expertise.

How are we for time?

**The Chair (Ms. Goldie Ghamari):** Fifteen seconds.

**Ms. Jennifer K. French:** Okay. Thank you very much. I look forward to the next round.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Thank you, Chair, and thanks to all three presenters for coming today and sharing your thoughts. I just want to preface two things: One is I appreciate that, even though you're here for different parts of the bill, the connection between good planning and public safety is loud and clear, and I want to just be on the record saying that I absolutely support the expansion of broadband across Ontario. I think broadband should be an essential service.

Related to that, I'm going to open my first questioning to the Canadian Communication Systems Alliance. You had raised some concerns about the definition of what a provincially significant project is. I share your concerns with that, especially as it relates to rural and remote community access to broadband. Do you have some suggestions around how we could better define in legislation what a provincially significant project is to ensure that rural and remote communities will have broadband access? I don't know if either Jay or Chris would like to answer that.

**Mr. Jay Thomson:** I don't think we have had the opportunity yet to consider what kind of additional language would be required to give more clarity in that respect, but it is certainly something that's important to us.

**Mr. Mike Schreiner:** If I could summarize, then, some sort of language needs to be there. You may not have a specific recommendation today, but something would need to be there? You're nodding yes.

**Mr. Jay Thomson:** Yes, I'm nodding yes.

**Mr. Mike Schreiner:** Okay. Chris, did you—

**Mr. Chris Edwards:** Yes, I guess the way I would put it is our concern is really that the definition may act as a foreclosure to the smaller companies and the smaller projects they may propose. I think, perhaps, leaving the definition aside for a second, as to whether it's even necessary, I guess, the other part would be the process for how projects become designated under the legislation. As we read the bill at this time, that is really regulation made by the Lieutenant Governor in Council.

Our suggestion would be—I guess what we would hope to see is some sort of dynamic mechanism whereby as new proponents develop new projects in these small-town and rural communities, they somehow get on the list of designated projects that are entitled to the benefit of the legislation.

**Mr. Mike Schreiner:** So your preference would be to see some sort of process in the bill, because you're concerned that that may not happen through the regulations.

**Mr. Chris Edwards:** Yes, and I guess we're also making the statement that we would hate to see the small projects and the small proponents excluded by the language of the bill.

**Mr. Mike Schreiner:** Yes, point taken.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** Unfortunately, I think written submissions are due tonight at 7, because I would love for you to be able to put in a written submission suggesting what the process would look like so that we could possibly amend the bill to address that concern. But if, after today's hearing, before written submissions are due tonight, you could put forward some suggestions on that, I, as one of the committee members, would certainly welcome that.

0940

How much time do I have, Chair?

**The Chair (Ms. Goldie Ghamari):** Thirty-five seconds.

**Mr. Mike Schreiner:** Okay. I'm going to quickly pivot to Environmental Defence, and I'll come back to you a bit more in the second round.

Could you just explain to me why the provincial policy statement was brought in, in the 20 seconds we have here?

**Mr. Phil Pothén:** The provincial policy statement is necessary to kind of impose a minimum floor for compliance with basic planning principles that we need, because everything that happens in one municipality affects neighbouring municipalities and it affects the—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That's all the time that we have for this round. We'll now turn to the government for the next seven and a half minutes. Who would like to begin? Minister Walker.

**Hon. Bill Walker:** Thank you very much, Madam Chair, and to all of the members, but especially to the members of the gas association and the Canadian Communication Systems Alliance. We've done a lot of work with this bill. As proposed, certainly some key focus areas are on annual rental charges that Internet service providers can provide, and making sure that we regulate and keep those so that they're affordable. We're trying to make sure that make-ready costs and those types of things with our local distribution companies are actually given in a timely manner and working in collaboration. We want to make sure there are performance standards and timelines for how quickly local distribution companies must respond, because again, one of the things we're hearing is that it has just been delayed and delayed, which really impacts the ability to get service to people at the end of line. We want to make sure that that joint use of poles—so that, again,

we don't get into, "I own it, and you can't come on it," or the costs become a big concern.

Could you just please share your thoughts on whether you think this is a good bill moving in the right direction to allow timely access to ensure that we're working collaboratively?

The other point I think one of you raised in regard to the—let me just verify the concern. The provincially significant projects will be determined during regulation. I can assure you, I'm from a small rural area, and I want to make sure that those small rural areas are getting served. Sometimes those are by small local companies. As we've gone through and deliberated, certainly at the tables I've been sitting at, it's been very clear that we want to make sure that those small rural areas, particularly in a place like Bruce-Grey-Owen Sound, can have as much access as a large urban centre. Could you just share your thought process in regard to those things I've referenced and whether you're supportive and think we're moving in the right direction? Thank you.

And then I'll turn my time over Jim McDonnell for the final time.

**Mr. Jay Thomson:** I'll start. Thank you, Minister. We do appreciate the bill, as outlined in our opening remarks. We've been involved in this process, working with the Ontario government for a few years now, talking about the poles issue. We've been pleased with the response that we've received from departmental officials. Historically, we've been focused on rates and the involvement of the Ontario Energy Board in setting rates that have jumped significantly in the past few years. We're hopeful that that issue will be addressed.

But the other part of it, beyond rates, is, as we talked about, just getting timely access in a way that you can take advantage of available funding opportunities. As mentioned in my opening remarks, we have members who have looked at the delays that are going to be involved in getting access to poles, the costs associated with make-ready, and they've actually just decided not to bother applying for funding because they just can't make it work with those barriers. So to the extent that this bill is going to help remove those barriers, that is going to be a very, very positive thing for the rollout of broadband in Ontario.

**The Chair (Ms. Goldie Ghamari):** Yes, Minister Walker.

**Hon. Bill Walker:** I just want to really ensure with you that that is one of the things, certainly from our energy side of the table, that we've been working and focusing on. To your point, when I was Minister of Government and Consumer Services, a lot of the focus was only on the dollar value of the pole attachment. And yes, that's very critical, and obviously we needed to address that. But what we really heard as we started digging into it was exactly what you're telling us: that time delay, the sensitivity, the people that would just not come to the table and even be prepared to take a look at it. For everyone, the sooner we can get people attached, the better it is in a myriad of different areas. We've done a lot of work, and hopefully we can find that synergy with everyone now to put that in

regulation and move forward as quickly as possible. Thank you very much.

I'll turn it over to my colleague MPP McDonell.

**The Chair (Ms. Goldie Ghamari):** MPP McDonell.

**Mr. Jim McDonell:** I had a question for either Jay or Chris. As the mayor of a township for a number of years before here, we used to have a lot of issues with trying to get make-ready work done for the township—and as I would drive around in the counties a lot over the last number of years, there was a project last year in Long Sault where there was a hydro pole in the middle of a project. The project took a year to do, and when it was complete, it was still in the way, and it had to be pushed sideways a couple of feet—really not an issue. In my mind, it just shows a disregard for anybody, whether it be a municipality—and I'm sure it's probably worse, in your experience.

Any comments on just the time it takes to get something done?

**Mr. Jay Thomson:** Chris?

**Mr. Chris Edwards:** Thank you, first of all, for some of the comments about the small and rural communities. It's very nice to understand that those concerns are being understood and heard.

Just to back away from this a little bit: We've been doing a lot of work in the CRTC broadband barriers proceeding. One of the things we've been proposing—and it's actually a working model in the United States right now—is a one-touch make-ready program. We appreciate the safety concerns. It's very important that the safety standards be complied with and so on. But at a certain point, when you're involved in the bureaucratic process of trying to have the distributor do the make-ready work and it's just not happening and the permits are not issuing, the whole process can be accelerated quite a bit by what's called a one-touch make-ready program.

We currently face a situation where one party may do some preparatory work and then another party has to do the surveys, inspections and so on, and then there's more preparatory work from another party. In some ways, it's those bureaucratic inefficiencies that really slow these things down. One of the things we're talking about is one-touch make-ready. We noticed that Bell is actually working to implement some of those procedures in the markets it serves, which is pretty much everywhere.

I might recommend for you some of the submissions that the CRTC is receiving on that topic.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Jim McDonell:** Just a comment: Of course, we don't have a lot of broadband here, as you can imagine, and fibre to the home is in some areas. But I drive up a country road, and I see 10 poles in a row being replaced. These poles for the most part were replaced during the ice storm. I guess you look at it and you say, "Well, there must be a project by the telephone company," and hydro is taking advantage of this, you might say, to replace 10 or 15 poles that are not old—they're under 20 years old—and of a suitable height, because they're just new. They're putting in something five feet higher or something—and of course, the time delay.

Have you experienced that, where you look at a structure that should be or is considered in good shape but they're replacing it anyway?

**Mr. Chris Edwards:** I'm not so certain on that point, but what we do hear a lot—

**The Chair (Ms. Goldie Ghamari):** Thank you. That concludes this round of questions for the government. We'll now turn to the official opposition for seven and a half minutes. Who would like to begin? MPP French.

**Ms. Jennifer K. French:** I will actually start this round of questions with the folks from the communication systems alliance. It's interesting to hear the priorities about unserved and underserved—it's refreshing, I should say. We haven't seen a lot of that in this bill. Certainly, in the debate, there has been talk about the rural and northern communities that have desperate need of broadband and service, but we haven't seen that commitment. I know that the NDP will be putting forward amendments that will explicitly cover rural and northern communities, to try to have those changes implemented.

But I would ask for a response from you—yesterday, in committee, a government member from Kitchener–Conestoga had asked Minister Scott about how we ensure this bill applies to all areas and not only rural. I think that speaks to your original concern. Could you answer that, please?

**0950**

**Mr. Jay Thomson:** So I'm not sure I understand your question exactly, because I think, as you said, the concern expressed yesterday that it would only apply in rural—we want to make sure that it does apply in rural equally, if not more so, than in urban ridings.

**Ms. Jennifer K. French:** I had raised in the Legislature in my second reading debate the same thing that you had said about what those provincially significant projects will be, how they're defined and whether or not that's a greater Toronto area subdivision project or whether that is northern and rural. What is the language that you might like to hear today from the government?

**Mr. Jay Thomson:** I think, as we've heard just from the discussion today, there is a commitment to extending broadband services in rural parts of the province. As long as we continue to hear that kind of commitment repeated, and openness to ensuring that those designated projects indeed do include rural areas, that's what's important to us.

**Ms. Jennifer K. French:** Okay. And as that unfolds, if you don't hear that, please let us know, because we're still trying to get the language in the bill that would make that clear. Thank you.

I'm going to go back to Environmental Defence and what I'd been asking Phil just before the break. Is Duffins Creek safe? There's still a permit on the table; it's been issued. I'd just like to know if there's something that needs to be done provincially to further protect this specific wetland.

**Mr. Phil Pothén:** What we would ask is that the MZO actually be formally repealed, or there be a new MZO issued that removes the affected land from the scope of the

MZO; but separately, there needs to be a direction or legislation or some top-down move from the government to revoke the existing Conservation Authorities Act permit. That's the big issue there.

But Duffins Creek, we have to say, is not the only project where a situation like this is going to happen. We see other wetland MZO applications on the horizon. And we've learned: This was the wrong decision. Everyone now agrees that this was the wrong decision, to grant this MZO. We were only able to find that out because there was a process that allowed us to point to the provincial policy statement and point out how it was contrary to the provincial policy statement. This is part of the basic framework that we have in liberal, democratic societies—

**Ms. Jennifer K. French:** Phil, I'm going to steer you in a direction while I've got your brain to pick. To your earlier point, and I'm going to put it in different words, the PPS is sort of like the building code for planning, right? It's that foundational—the fundamentals. Everybody knows about Duffins Creek and wetlands, because paving a wetland is a thing that people can understand and have opinions on, but people maybe don't realize that when they turn on their tap and expect clean drinking water or they expect to buy a home in an area that won't flood, all of these things are connected to the PPS.

As we're looking at the cost of these projects, of bad planning—if there's a sewage pipe, for example, that is going to be cutting through the Oak Ridges moraine, making its way—we're going to have a lot of folks who see changes in their property tax bills as a result of this schedule, and they don't realize that. Could you maybe speak to that?

**Mr. Phil Pothén:** Sure. On the cost issue and the long-term property tax implications, I think all the parties represented here in this committee should be concerned about making sure that we don't create future patterns of development that are just so expensive to maintain and service. So many of the problems that we have in Ontario now—replacing sewage systems, being able to provide appropriate transit—are, in many ways, the product of the absence of adherence to clear provincial policy statements like this in the mid-20th century. We've learned about those problems, about how expensive it was, about the billions of dollars we're throwing away when we don't adhere to the PPS, or the policies in the PPS. That's why we created the policies in the PPS: to make sure that doesn't happen in the future.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Phil Pothén:** You're going to find facilities that are expensive to replace, roads that are hard to clear. You're going to have to run transit lines out to places that are unsustainable because the ratio of people to length of the transit line is unsustainable. Those are all things that you need the PPS to avoid.

**Ms. Jennifer K. French:** And I know that the PPS wasn't just decided on out of thin air, that it has taken a long time to get there. Yesterday the minister made the comment that, we—being the government—define the PPS or make the PPS. What would you say to that?

**Mr. Phil Pothén:** So, if anything, that underlines the strength of the PPS, because between the different governments, these are policies that are just basic, just—perhaps, to use the word—common sense. They are so basic that they haven't changed substantively between these—

**The Chair (Ms. Goldie Ghamari):** Thank you. This concludes this round of questions.

We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** I'm going to direct my first questions to Phil at Environmental Defence. One, I appreciated, in the last line of questioning, you made the connection between good planning and fiscal responsibility. I think that's a really important connection to make.

You've also made the case that the provincial policy statement is the floor, certainly not the ceiling. In many respects, schedule 6 takes the nuclear option to the floor—sorry, schedule 3; I'm getting mixed up with the schedule 6 on CAs, and it's an important one, too. Essentially, it takes the nuclear option to the floor, the implication being that a minister can almost, essentially, decide that there are no planning rules in Ontario. Would you agree with that? And would you maybe elaborate on what you think the potential risk to public safety and communities is to essentially taking the nuclear option to planning?

**Mr. Phil Pothén:** So it's really hard to overstate just how much this should be anathema to anyone on any side of the table here. People seeking permissions relating to land should have confidence that it doesn't matter what politicians think of them. They're not going to be able to get dangerous development approved just because they have a relationship with the minister.

We create that confidence by placing clear constraints on decision-making, substantive constraints: You can see the lines connected and you get to a decision. But you also create it through a rigorous process. Those are present at the municipal level, and at least the minister's zoning order ensured this basic standard, that we could actually seek a judicial review, and that should provide some discipline that would require the province to at least take into account safety considerations. Those are just gone.

Because if we still had schedule 6, you could at least say, "Well, we can rely on conservation authorities not to permit development that is going to cause flooding and landslides that literally kill people in other jurisdictions," and certainly, even in Alberta, destroy neighbourhoods that were even built after 2000. You could say, "We'll rely on the conservation authorities," but that's already been removed.

So we really are now, if we exempt MZOs from the provincial policy statement, working without a net here. There is really not much that can be said without some—yes, on the face of things, there's not much that can be said if the government, as it did in Duffins Creek, insists on putting development in a place where it is likely to cause flooding and endanger people. That's a real, real problem. It should be of concern to every Ontarian, and it is. I have to say, the response just in the past week has just been extraordinary, as people learn about this.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** Phil, really quickly, because I'm almost out of time. Just on Duffins Creek: If schedule 3 of this bill passes, will the minister at some point in the future be able to issue an MZO to pave over Duffins Creek if a development proposal presents itself?

1000

**Mr. Phil Pothen:** I want to shy away—I'm going to say, this is before a parliamentary committee, and I'm not going to say anything that would prejudice our litigation. Our litigation counsel are here in their own right to speak to other aspects of the bill later on. But I will say it certainly presents a risk for project sites of this nature. It really does open the field for those sorts of the things to happen. So, yes, given similar circumstances on a site like that, it would really make it easier to push ahead—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That concludes this round of questions and it also concludes our time with our first group of presenters. Thank you for your presentations. At this point, you may step down.

FEDERATION OF SOUTH TORONTO  
RESIDENTS' ASSOCIATIONS  
ONTARIO NATURE  
ONTARIO ONE CALL

**The Chair (Ms. Goldie Ghamari):** We'll now call upon our next group of presenters, starting with the Federation of South Toronto Residents' Associations. You will have seven minutes for your presentation. Please state your names for Hansard and then you may begin.

**Mr. Don Young:** Hello. My name is Don Young. I am the acting secretary of FOSTRA, the Federation of South Toronto Residents' Associations, and I am here today on its behalf. I would like to start by thanking the committee for hearing our submission on Bill 257. I will be addressing only schedule 3.

FOSTRA was formed on the 23rd of February, 2021. Its boundaries stretch south of Bloor Street to Lake Ontario and the Toronto Islands, from the Don River to the Humber. These boundaries encompass five wards with some 400,000 citizens. FOSTRA is a non-partisan federation of residents' associations and community associations that collaborate to help shape the creation of good public policy at all levels of government, preserve and enhance the quality of life of Torontonians, promote neighbourhood identity and vitality, and ensure responsible and respectful development within its boundaries.

Ever since the current government took power on the 6th of June, 2018, Ontario, and especially Toronto, has suffered a long list of provincial overreaches and abuses of power, but schedule 3 of this completely unrelated Bill 257 tops them all. What does the creation of super MZOs—ministerial zoning orders—have to do with supporting broadband and infrastructure expansion?

Apparently, by slipping in schedule 3, this government is not content to bombard the province with 40 MZOs in

32 months—one and a quarter MZOs per month; the previous average was one per year—and not content with enhanced MZOs which strip municipalities of any say in how MZO lands are used in their jurisdictions. This government slips in schedule 3 to retroactively remove all provisions of its own 2020 provincial policy statement. Not only is this a blatant attempt to squash lawsuits already lodged under the Ontario Planning Act, but it aims to remove all future barriers and any possibility of lawsuits resulting from its MZOs. In short, the current government seeks to make legal that which was previously illegal, and to use its 40% majority to usurp the authority of the Legislature and give itself dictatorial powers.

Let us remind ourselves of the provisions in the statement:

“The provincial policy statement (PPS) is a consolidated statement of the government's policies on land use planning. It gives provincial policy direction on key land use planning issues that affect communities, such as:

“—efficient use and management of land and infrastructure;

“—the provision of sufficient housing to meet changing needs, including affordable housing;

“—the protection of the environment and resources including farmland, natural resources (for example, wetlands and woodlands) and water;

“—opportunities for economic development and job creation;

“—the appropriate transportation, water, sewer and other infrastructure needed to accommodate current and future needs;

“—the protection of people, property and community resources by directing development away from natural or human-made hazards, such as flood-prone areas.”

All of these good planning directions in the 2020 PPS, and all previous PPSs, will be removed if schedule 3 is passed.

The legislation proposes the following:

“The Planning Act is amended to provide that ministerial zoning orders made under section 47 are not required and are deemed to never have been required to be consistent with policy statements.”

Specifically, “Clause 3(5)(a) does not apply and is deemed never to have applied.”

Currently, clause 3(5)(a) states:

“A decision of the council of a municipality, a local board, a planning board, a minister of the crown and a ministry, board, commission or agency of the government, including the tribunal, in respect of the exercise of any authority that affects a planning matter,

“(a) shall be consistent with the policy statements.”

All of these directives of the 2020 PPS and all of the decisions of these bodies based on directives and all previous PPSs since 1996 will no longer apply. If this passes, it will mean, for example, that the foundry site in Toronto, which the Ontario government secretly agreed to sell to an unknown developer in a no-bid deal, will have no conditions attached other than a hidden lucrative agreement between the buyer and the seller. The Duffins

Creek wetlands are still an issue, as are all of the MZOs across the province. Who knows what schedule 3 will mean in the future? Ontario will be open to business but, under MZOs, closed to good public policy.

FOSTRA respectfully demands that schedule 3 be struck from the unrelated Bill 257 before passage. If not, FOSTRA would support an Ontario-wide challenge in the courts.

Thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you very much.

We'll now turn to our next presenter. We have Ontario Nature. Please state your name for the record, and then you may begin. You will have seven minutes.

**Ms. Caroline Schultz:** Good morning. My name is Caroline Schultz. I'm the executive director with Ontario Nature. I really appreciate the opportunity to present to the committee today on Bill 257. My comments will focus exclusively on schedule 3, which would amend the Planning Act.

Ontario Nature was established in 1931. The mission of our organization is to protect Ontario's wild species and wild spaces. We represent over 30,000 Ontarians and are a federation with over 150 member organizations.

I have a presentation which—I don't know if I can share my screen.

**The Chair (Ms. Goldie Ghamari):** Yes, you may.

**Ms. Caroline Schultz:** Can I just do that straight away?

**The Chair (Ms. Goldie Ghamari):** Yes, you can.

**Ms. Caroline Schultz:** Okay. Thank you very much. I'm hoping that everybody can see that. Yes? Okay, great. I'm here—

**The Chair (Ms. Goldie Ghamari):** Sorry, it's a little bit small. I think, on the bottom of the PowerPoint, there should be something called "slide view." I'm assuming that it's PowerPoint?

**Ms. Caroline Schultz:** Yes.

**The Chair (Ms. Goldie Ghamari):** So if you click on that, then it will make it a bit bigger so that the members can see, because right now it's a little bit small. I think that's notes view.

**Ms. Caroline Schultz:** Okay. Sorry about this.

**The Chair (Ms. Goldie Ghamari):** That's okay. This works. I don't know if this is the slide you wanted us to see, but this is working right now.

**Ms. Caroline Schultz:** Okay. Well, if you can focus on the slides, that would be great.

I'm here today to ask that you remove schedule 3 from Bill 257. Schedule 3 proposes to amend the Planning Act so that both existing and future minister's zoning orders, or MZOs, would no longer be consistent with the provincial policy statement. Ontario Nature has serious concerns about the impact of schedule 3 if it is passed, and specifically, we believe that it would erode the predictable, fair and principled planning framework for municipalities and other authorities implementing the provincial policy statement; it would undermine the right of Ontarians to participate in important planning decisions affecting their communities; and it would also obstruct the public's

constitutional right to seek judicial review of unlawful government decisions.

**1010**

These concerns are shared by citizens across Ontario. Indeed, today we will be sending a letter to Minister Clark, signed by 120 organizations, highlighting these concerns. These include national, provincial, regional and local organizations from right across the province, from Dryden to Ottawa to Essex county, all of whom are requesting that schedule 3 be removed from Bill 257. These are groups representing people who care about farmland, natural areas, wildlife, public participation and the consultation duties owed to First Nations. All of these are put at risk by schedule 3.

To understand what's at risk, one needs to understand the provincial policy statement and its purpose. The provincial policy statement sets the policy foundation for comprehensive, integrated long-term land use planning in Ontario. It provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Regularly revised and updated through extensive public consultations with experts, stakeholders and Indigenous rights-holders, it is meant to provide balanced, relevant and widely supported policy direction on planning matters. The Planning Act requires that all decisions affecting planning matters shall be consistent with the provincial policy statement, and ensures certainty, fairness, consistency and substantive merit in planning decisions across Ontario.

Because schedule 3 is intended to ensure that MZOs can override the provincial policy statement, it will jeopardize all of the desired elements. It will lead to uncertainty, unfairness, inconsistency and controversy—already, these are the hallmarks of MZOs as they've been used of late—and that's because the minister issues MZOs without public consultation. Public notification and consultation requirements under the Planning Act are ignored, and there is no right to appeal an MZO. But schedule 3 would take this one step further by denying the public access to the courts.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Caroline Schultz:** In other words, planning decisions would be subject to the whims of the minister, with no recourse at the end of the day to a higher authority.

Worse still, schedule 3 would apply to any existing MZOs. There are a lot of existing MZOs, and, as noted by the Auditor General, there has been a sharp increase in their use, with 29 MZOs issued between January 1, 2020, and October 31, 2020. There have been several more since then, including six on March 5 of this year, opening the door to controversial residential, commercial and industrial developments. Where these MZOs violate provincial policy statement policies, they could be deemed to be legal after the fact if schedule 3 were passed.

In many, if not most, cases, the minister has been issuing MZOs for developments that pose a direct and immediate threat to the benefits provided by Ontario's natural areas and farmland. These essential benefits

include healthy food, clean water, improved air quality, flood and erosion mitigation, habitats for wildlife—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That concludes the time we have for this presentation.

We'll now turn to our third presenter, Ontario One Call. Please state your name for the record, and then you may begin. You will have seven minutes.

**Mr. Ben Hamilton:** My name is Ben Hamilton. I'm the executive director of Ontario One Call, based here in Guelph, Ontario. Ontario One Call is the province-wide provider of call-before-you-dig services. We were established in 2012 by the Legislature's passage of Bill 8, the Ontario Underground Infrastructure Notification System Act. Of course, that legislation was sponsored by Bob Bailey, MPP, and Paul Miller, MPP.

We process over one million excavation requests each year from excavators large and small. We are essentially the hub which receives these requests and routes them to our members, made up of Ontario's utilities, telecoms and municipalities, so that they may deliver the locates, which allow for safe digging.

Bill 257 is very timely. Speaking on a personal note, our 100 employees have been working from home for over a year now. However, many of our employees in Guelph and Sudbury have been unable to do so because of a lack of broadband connectivity at their homes. The COVID-19 pandemic has showed that even in well-populated areas, there is still a need for action.

Ontario One Call itself was created to speed up construction activity and reduce red tape. We certainly welcome all efforts to keep up that momentum and we are supportive of the government's overall goal to expand broadband Internet access in Ontario.

Our feedback on Bill 257 will focus on a specific section of the legislation that we are asking to be modified. Section 21(2) of Bill 257 states that the minister may authorize a person to dig without locates if they have not been provided after 10 business days. This creates a number of issues.

First, digging without locates is a grave risk to the safety of excavators and the community. There are high-pressure gas lines and electrical cables buried very close to the surface. Hitting that infrastructure could lead to death, injury and broader impacts to the community, such as evacuations and interruption of vital services.

Excavation without locates is illegal under the Ontario Underground Infrastructure Notification System Act. It is also prohibited under the Occupational Health and Safety Act and in many other provincial regulations and guidelines.

No responsible excavator would dig without locates, regardless of the circumstances. Many of our members have policies where employees are automatically terminated if they ever dig without locates. Any part of Bill 257 which contemplates excavation without locates should be removed.

There are several powers which may be substituted in its place. One practical option is already included in the

legislation. Section 21(6) describes a process where the proponent of a designated broadband project may claim compensation from parties providing late locates. If an agreement on a compensation could not be reached, the Local Planning Appeal Tribunal could make a determination.

If there were a desire for a specific ministerial power, members providing late locates could be subject to the administrative penalties described in section 24 of the act. Those penalties, including fines up to half a million dollars, are certainly strong enough to achieve full compliance with the act. The minister might consider a sliding scale of penalties for different thresholds of lateness. Practically speaking, either the Local Planning Appeal Tribunal option or the administrative penalty option would be strong enough to incent full compliance from our members.

For their part, our members are committed to business solutions to help major broadband projects. By their very nature, broadband projects are large, time-consuming and very costly. Many of the major excavators we work with are opting for dedicated locator models where a specific locating resource is assigned to a project for its duration. That dedicated resource is paid for by the excavator and works to the excavator's timelines and the excavator's requirements. The productivity gains alone easily justify the small incremental cost to the project.

The SWIFT project in southwestern Ontario recently changed their bidding process to allow excavators to include the cost of using a dedicated locator. This allows successful bidders to remove the risk of late locates and complete their work faster and safer. All bidding for projects designated under Bill 257 should include the requirement to use dedicated locators as part of the excavator's cost. While excavators often request a dedicated locator, members may begin to require its use. In that circumstance, allowing for the cost to be included in bidding is imperative.

The biggest challenge our members face in providing timely locates to broadband projects is a lack of notice from project proponents. In order to staff properly, members need to know at the start of a calendar year about upcoming major projects. That would allow sufficient time to hire, train and allocate locators to these projects. Training a skilled locator is a multi-year process and the existing resources are already spread very thin in the context of a rapidly growing construction sector. It should be a requirement for any designated broadband project to have submitted detailed construction plans and timelines to all members in Q1 of any given year a project is to commence, or at least a minimum of 180 days in advance.

**1020**

We hope this feedback is helpful to the committee as you consider Bill 257. We will continue to follow the bill's progress and support your work and the work of government officials. Thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. Before we go to this round of questioning, I would just like to confirm our new committee members. MPP



Bob Bailey, can you please confirm that you are MPP Bailey and that you are in Ontario?

**Mr. Robert Bailey:** Yes, Madam Chair. I am Bob Bailey, and I'm in my riding, in Petrolia, Ontario.

**The Chair (Ms. Goldie Ghamari):** Thank you. MPP Glover, can you please confirm that you are present and that you are in Ontario?

**Mr. Chris Glover:** Yes, I'm Chris Glover, and I'm in Toronto.

**The Chair (Ms. Goldie Ghamari):** Thank you. MPP Kanapathi, can you please confirm that you are present and that you are in Ontario? You're muted, MPP Kanapathi. You'll have to unmute yourself.

No, you're still muted. An issue with your audio, maybe, because it appears that you are unmuted, but we cannot hear you. Okay, we'll do this this way: If you are MPP Logan Kanapathi, can you please raise your hand. Thank you. And if you are in Ontario, MPP Kanapathi, can you please raise your hand. Thank you. Okay. We'll have to work on the audio issues.

We'll now turn to our first round of questions, beginning with the Green Party member. MPP Schreiner, you have four and a half minutes. You may begin.

**Mr. Mike Schreiner:** Thanks to all three presenters for coming in today.

Ben, it's always good to have a constituent come in. Every time I go up the Hanlon, I see the big Ontario One Call sign. I just wanted to ask you—we had the Canadian Gas Association come in and raise concerns about section 21. We're recommending just removing section 21. But I want to be clear. I think your presentation really highlighted section 21(2) as the primary concern. Am I accurate with that?

You're muted.

**Mr. Ben Hamilton:** Just a second; you've got to unmute me there.

Yes, that is correct. Section 21 basically suggests it's an area where a minister could order someone to dig without locates, and then subsequently, if there was damage because someone dug without locates and damaged infrastructure, the excavator could not be sued by the infrastructure member. I think that's a later section.

That policy itself is also somewhat convoluted, because, first off, I don't think any excavator would dig without locates, and if there were damage, there would be a great safety risk as well. It's not just a matter of civil damage. Also, it doesn't prevent other parties from suing. If there were damage—for example, we used to be on Gordon Road in Guelph, and there was damage to a gas main. They had to evacuate the local school; emergency services came. All those incidents happened. Even if the gas utility couldn't sue the excavator, all those other affected parties could sue the excavator. It's not really full indemnification. So that clause, as well, becomes problematic.

In section 21, the concept of digging without locates and those parts of it that also suggest that digging without locates is somehow acceptable—all of those probably should be removed.

**Mr. Mike Schreiner:** Gotcha. I appreciate that. And I think what your presentation has highlighted is the importance of good planning and public safety—which is going to lead me to Ontario Nature now.

Caroline, basically, from your presentation and others, I think that schedule 3 essentially gives the minister the power to override any planning rule that we have in Ontario. Could you just maybe highlight some of the risks associated with that to the people of Ontario?

**Ms. Caroline Schultz:** Yes, I certainly can. Overwriting the provincial policy statement presents a significant risk to the people of Ontario in a number of ways, because it allows for what would be deemed to be inappropriate development in, for example, sensitive areas such as wetlands. We've seen that with the provincially significant wetland in Pickering that's part of the Lower Duffins Creek complex. Wetlands, as we know, are crucial in mitigating flooding because of their enormous capacity to absorb and hold water. That's one particular direct risk to the safety and well-being of Ontarians.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Caroline Schultz:** There are other impacts, with respect to overriding the provincial policy statement, with other significant features that contribute to all of the ecological goods and services that support Ontarians, whether it's food or fresh, clean water. There are number of factors that are jeopardized by this unmitigated advance of development enabled through minister's zoning orders.

**Mr. Mike Schreiner:** We're almost out of time, and maybe I should save this for a lawyer, but do you think schedule 3 violates the Constitution?

**Ms. Caroline Schultz:** I think you should ask a lawyer.

**Mr. Mike Schreiner:** Okay, I will.

**Ms. Caroline Schultz:** Because I'm not.

**Mr. Mike Schreiner:** A lawyer will come in today and I'll ask that.

**Ms. Caroline Schultz:** Yes, indeed.

**Mr. Mike Schreiner:** I guess you're part of an organization that has engaged in legal action—

**The Chair (Ms. Goldie Ghamari):** Thank you very much for that. That concludes this round of questions.

We'll now turn to the government for seven and a half minutes. Who would like to begin? Please raise your hand. MPP Bailey and then MPP Crawford.

MPP Bailey, you may begin.

**Mr. Robert Bailey:** Thank you to all of the presenters today. I'd like to start with One Call: Ben Hamilton, thanks for coming in again today and thank you very much for presenting as well.

I'd like to expand upon some ideas. What role in improving the access to broadband expansion do you think Ontario One Call could play and help us as a government and as a province to expand One Call into the province?

**Mr. Ben Hamilton:** Thanks for the question. Certainly, these major projects like broadband infrastructure really rely on Ontario One Call as an important part of the construction process.

As I described before, Ontario One Call is essentially the hub that receives excavation requests and then routes them to our members. More than just being an IT service,

we actually play an important role in coordinating that work. For example, the SWIFT project, which is a major broadband project in southwestern Ontario: We have worked with them over the last couple of years, talked about their construction schedules and how they may optimize their entry of tickets into the system. We work with organizations like SWIFT and organizations across the construction sector to say, “Make sure you don’t dump all your requests in at one time.”

We help them ensure that they enter only the work they need done in the next 30 days into the system, and that ensures an orderly flow of work to the members who provide locates. We provide a lot of direct assistance to excavators in the scheduling of their requests.

We also work with them on the quality of their requests. If you go on to the Ontario One Call system, whether you’re a major excavator or a homeowner, there’s a process and a map that you fill out and there’s a questionnaire. We work directly with those major excavators to support the work they input to make sure that they minimize excavation areas to only those areas where they need locates. That, in turn, maximizes the productivity of members providing locates to ensure that that work is done faster and better. So we do play an important role in working with the broadband project proponents to make sure that the flow of work goes forward smoothly.

**Mr. Robert Bailey:** Thank you. One more question, then I’ll hand it over to MPP Crawford. Would you have any further suggestions, Mr. Hamilton, that you’d like to get on the record right now—any further suggestions that you haven’t had a chance to outline yet—about improving the government’s broadband expansion act?

**Mr. Ben Hamilton:** It’s a great question because it’s certainly a huge priority of governments. With the budget announcements earlier this week there are billions of dollars going forward and there are certainly a lot of expectations. Even my own staff, as I mentioned before—I have staff in the Guelph area, 10 minutes from downtown Guelph, but they don’t have broadband access in their community. A lot of people are very eager to see this work happen very quickly.

Oftentimes we see the project proponents as well be just as eager to put in locate requests and to get started, but we really have to work on the planning. This is not just an issue for Bill 257; this is also an issue for Infrastructure Ontario as they go down into the actual bidding process. There’s a lot of work that needs to happen in the logistics to make sure that effective and proper notice is given to members so they can line up the resources on their end. It’s not reasonable to think that a project proponent can come in and say, “We’re expanding to this community. We need locates for 5,000 houses,” and expect that to happen within 10 business days. There needs to be a strong planning process in place, and that will start the day after Bill 257 passes, working with the Ministry of Infrastructure to make sure that’s built into the bidding process.

1030

**Mr. Robert Bailey:** Thank you. MPP Crawford, I’ll hand it over to you.

**Mr. Stephen Crawford:** Thank you, MPP Bailey, and thank you to all the presenters.

Madam Chair, how much time do we have left?

**The Chair (Ms. Goldie Ghamari):** Three minutes and 20 seconds.

**Mr. Stephen Crawford:** Okay. First, I just want to make a comment in terms of—Mr. Young, I know you made some comments on MZO’s and I guess a concern perhaps that they have been utilized more. It is correct. They have been utilized a lot more than by the previous government. But I think, in the case of where we have used them, number one, they are requested by the municipality, if it’s on non-provincially owned land.

Second, I would make the point—I think we would all agree we have a serious issue with long-term care and a lack of beds in this province. There were 500 beds built in the last decade. We are now proceeding with building 30,000 over the next decade. We’ve got a major issue there; we’ve seen it through the pandemic. MZO’s have been utilized to fast-track 3,700 beds, including 500 in my own riding of Oakville. I can tell you, my community is ecstatic about the creation of these beds. So MZO’s, when utilized properly, can be very effective.

With that, I did want to ask a question of Mr. Hamilton and just get some more specifics on your concern about the locates, because as the PA to Infrastructure, I certainly want to make a note of that. Perhaps you could give some suggested wording for this bill to make it a little safer and more effective, if you could, if you don’t mind.

**Mr. Ben Hamilton:** That’s a great question. Certainly, in terms of—section 21(2) deals with the concept of the minister allowing or ordering digging without locates. That’s certainly one that can be removed. The clause that follows after, which essentially describes how that works logistically, can be removed as well.

In terms of what can replace it or what can be utilized—because I also agree that there should be standards for providing locates in these projects and there should be penalties for not providing those locates on time. In terms of how to apply penalties and create that drive for members to provide locates, there are really two options I see. One is to rely on section 21(6), which describes a process by which an excavator can seek essentially seek damages from a member who provided a late locate, and if there was no agreement, then the excavator could go to the Land Planning Appeal Tribunal and have that organization make a decision, so essentially a mediation type of approach.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Ben Hamilton:** And from there, another option—because we discussed this before: Should there be a mediation-arbitration solution, or should there be a ministerial power? Should the minister have something in their quiver to use as an incentive against late locates? If the Legislature was looking for a ministerial option, then they could look to expand the power that’s already in the bill for the minister to assess penalties of up to half a million dollars and use that power on members of One Call who are providing late locates. The minister could also

consider a sliding scale of penalties, depending on the lateness of a locate and the impact of the timing of the completion of the project.

There are strong tools in place in the legislation. It's just a question of, does the Legislature want to choose an option that is focused on mediation-arbitration, or do they want to choose a specific ministerial power? But again, in both cases, both those powers already exist in Bill 257—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That concludes this round of questions. We'll now turn to the official opposition for seven and a half minutes. Who would like to begin? MPP Glover, you may begin.

**Mr. Chris Glover:** I'll direct my questions to Don Young of FOSTR. Don, thank you so much for being here, and thank you to all the presenters for being here. The first two schedules of this bill have to do with the expansion of broadband, particularly to underserved areas. Would FOSTR in principle support the expansion of broadband?

**Mr. Don Young:** Absolutely. We have no objections to the other parts of the bill. I think it's great that broadband is being expanded throughout the province of Ontario. As someone who loves to visit the country and to rent cottages, I know how bad it is to go out there and be completely cut off from the rest of the world, so we welcome it, absolutely.

I would like to comment, if I could, about MPP Stephen Crawford's comment.

**Mr. Chris Glover:** Go ahead.

**Mr. Don Young:** We also support hospitals and long-term care. It's when MZOs are thrust upon communities—obviously thrust upon the community around the foundry site in Toronto, very much, but even outside of the city of Toronto. The city of Pickering has asked for MZOs to be implemented, but what are the effects on Ajax? Ajax is opposed to both of the MZOs that are being imposed in that area. These are serious MZOs. These MZOs are going to endanger flooding, and both Durham and the city of Ajax have expressly objected to—

**Mr. Chris Glover:** You know—

**Mr. Don Young:** Go ahead.

**Mr. Chris Glover:** We heard that this morning from Environmental Defence. They were saying that this schedule 3 is like the government operating without a safety net in terms of protecting people from flooding risk. So before, the conservation authorities had a duty to protect communities from flooding risks. They've stripped the conservation authorities of that power. Now they're stripping the minister of having to abide by the policy statement. So there's a further risk of this government approving developments that will put people at greater risk of floods, and other risks as well.

You were talking about the foundry. The government has said that they're not imposing MZOs on non-provincially owned land unless the municipality agrees to it. In Toronto, the foundry is provincially owned land. Does the municipality support this MZO to demolish the foundry site?

**Mr. Don Young:** No, of course it doesn't. It's opposed to the MZOs and is supportive of the St. Lawrence Neighbourhood Association and its court case against the imposition of the MZOs. No, they don't support it. They didn't ask for it.

**Mr. Chris Glover:** Right. You said this is about bad planning, and we've heard over and over again that this schedule put communities at risk. So can you expand a little bit more about bad planning and the risk that communities face with this power that the government is giving themselves?

**Mr. Don Young:** Well, basically, when they impose an MZO now, it's a blank sheet. All of the master plans that municipalities have brought in, all of the local bylaws that are controlling a particular situation in a particular area of the city—all of these things are removed. And when they remove the PPS, they're also removing the provision to support sufficient housing to meet the needs, including affordable housing. They're also removing appropriate infrastructure for water, sewer, and other needs for infrastructure, not only immediately, but in the future. It's like a bomb that hits an area of the city and there's nothing that anyone can do about it.

**Mr. Chris Glover:** Okay, thank you. You said that, if this schedule passes as is, FOSTR would consider a court challenge because you feel it's a breach of the rights of the people of Ontario.

**Mr. Don Young:** We would support a court challenge. We're a very new organization, only a month old. So we will support, but we're not going to lodge a legal challenge. But I'm sure one will be lodged.

**Mr. Chris Glover:** Yes. So that, again, will lead to taxpayers' money going to fight the citizens of this province.

Thank you so much for being here. I'm going to pass it over to my colleague from Oshawa.

**The Chair (Ms. Goldie Ghamari):** MPP French.

**Ms. Jennifer K. French:** Thank you. Time check, Chair?

**The Chair (Ms. Goldie Ghamari):** Two minutes and 15 seconds.

**Ms. Jennifer K. French:** Awesome. Side note: I'd like to ask the Clerk to make the presentation slides from Ontario Nature available to the committee, if that's possible, please.

My question actually is to—well, I'd like to thank all presenters. But my question, first, is going to be for Ontario One Call. I'm quite interested in what we've been hearing about safe digging and locates and what have you, so I'm hopeful that the government will consult with you now. I'm assuming that they haven't before; you can correct me if I'm wrong. I'd like to know, who benefits from the ability to dig without locates? It seems like it doesn't make sense on any level, based on what I've heard today. I'm trying to figure out if it was a mistake on the government's part or if it was a purposeful timeline of the 10 days. I don't know that you would have insight into that, but who would benefit from that?

1040

**Mr. Ben Hamilton:** I don't think, frankly, anyone benefits from digging without locates. I imagine it was included by Infrastructure because they had the view that—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Ben Hamilton:** That it's a civil matter that—in other parts of the bill, they talk about access to areas without authorization. Accessing an above-ground cable pole isn't dangerous like digging near a high-pressure gas line, isn't dangerous like digging near an electrical cable. The things that are buried underground aren't really visible, and, if we dig without locates, we expose ourselves to enormous risk and there's no real benefit, because, of course, the worker is at risk, but also the community at large is at risk. There's also health risks, safety risks, risks to vital infrastructure, risks to services like Internet or telephone, and also the risk of road closures.

So digging without locates is really the ultimate lose-lose scenario.

**Ms. Jennifer K. French:** Okay. That was very clear and appreciated. Something else clear and appreciated from today has been why planning matters and what can go sideways if it isn't appropriately considered.

I think that's likely time, Chair. I will look forward to leading off with Ontario Nature in the next round.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Thank you, Chair. I'm going to follow up. My questions to Ontario Nature were cut a little short last time. One thing that the government has argued is that some MZO's are being used for long-term care and affordable housing—things that I think a lot of people in Ontario support.

I guess, Caroline, could you maybe highlight—there's nothing in the provincial policy statement that prevents a government from issuing an MZO. Essentially, what the provincial policy statement does is say, "Hey, if you're going to issue an MZO, there are very minimal public health safety, environmental safety, infrastructure safety concerns that you should take into account when you issue the MZO."

I'm curious; maybe you could just talk about the importance of even vital infrastructure—hospital, long-term care homes, affordable housing—to be in compliance with minimal, minimal planning and safety standards.

**Ms. Caroline Schultz:** The provincial policy statement provides very important direction as to what is good planning regarding where development should not take place. Of course, we support long-term-care home expansion and all of the things that society needs, but the fundamental question is often, why in a location where clearly the values are so significant that the provincial policy statement applies, such as provincially significant wetlands. We've seen over and over again that there are proposals for development that would impact or write in

these provincially significant features, such as the Pickering example, where there are good alternatives, where the issue is—the location would not have the negative environmental impacts, would not impact these provincially significant features.

Provincially significant wetlands, as I've said, are a crucial element of Ontarians' health and well-being, so why sacrifice something that is deemed to be provincially significant, that provides important ecological function and mitigates against things such as flooding, when there are good alternatives that exist?

That is the fundamental question. The alternatives are not addressed and they absolutely—there should be a suite of alternatives if you're seeking to expand something like long-term care.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Caroline Schultz:** It's not that these areas such as the Pickering wetland are the only place that that particular facility can be developed; it just happens that a particular developer owns that piece of land and the government is facilitating overriding the provincial policy statement.

**Mr. Mike Schreiner:** We should be clear: In that particular case, in Duffins Creek, it was for an Amazon warehouse, not a long-term-care home.

I'm going to direct my next question to Don, because you had mentioned the importance of public participation in the planning process, and this will overrule this. Don, it seems to me you represent an organization that is all about citizens wanting to participate in that process. Can you maybe just elaborate on that a bit more?

**Mr. Don Young:** Sure. In a case where the MZO isn't applied, the citizens of Toronto will engage with the local developer—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That concludes this round of questions.

We'll turn to the government now, for seven and a half minutes. Minister Walker, you may begin. Minister Walker? Oh, Minister Walker is having technical difficulties. We will go to MPP Crawford. Thank you. You may begin.

**Mr. Stephen Crawford:** Thank you, Chair. Certainly, as PA, parliamentary assistant, to the Minister of Infrastructure, I just want to highlight the importance of the objective of this bill in terms of expanding broadband across Ontario. There's a tremendous digital divide in this province right now. We've got hundreds of thousands of folks in Ontario, throughout the province, who do not have proper access to broadband. That means their businesses can't function properly; they can't connect with family members. Through the pandemic, of course, education has gone online and virtual for a large component of time. So, bridging that divide is certainly our objective here.

I guess my question to Mr. Hamilton is, how do you feel this bill—and I know you've mentioned a few proposed things you would like to see changed, and I've made note of that. How do you foresee this bill connecting Ontarians better, particularly rural Ontarians, Indigenous

communities, and connecting them to the world and their fellow Ontarians better?

**Mr. Ben Hamilton:** I think it's a very important bill and a very timely bill as well. One thing Ontario One Call sees from its pretty privileged position is really the logistics of how construction works, and it gives us a good understanding of what types of things delay construction projects, whether it be a transit project, a broadband project, the fibre to the home projects—which are also occurring with increasing speed and frequency in Ontario—and we often see things from the excavator's point of view. With excavators, one thing that this legislation will benefit is, I think, a greater sense of permissiveness. The first part of this bill deals with aspects relating to electric utilities, then there's a long section that deals with access to municipal rights-of-way.

I know from dealing with our excavators that those are areas that often lead to significant delays, but also a lot of complexities. If I were an excavator, I would be telling the committee that my job as an excavator, planning work, is to eliminate external dependencies. As an excavator doing a broadband project, what external dependencies would I face? First would be access to other people's infrastructure, whether it's an electrical company's poles, whether it's a municipal right-of-way. Those are areas where I need to do a lot of discussion and negotiation to get access, and those are also things I don't control. The parts of Bill 257 that deal with those create a much more permissive environment for these projects to happen and I believe will certainly benefit the speed by which that construction will occur.

Another area, too, is, really, the funding. Of course, the government has come through with the funding, as announced as part of this week's budget. That's an important part of this, and also locates as well. Locate delays in the context of a major project may not seem that big—you're talking about a 10-day window as part of a multi-year project—but late locates do have real impacts on excavators.

**Mr. Stephen Crawford:** Okay—

**Mr. Ben Hamilton:** A typical crew—sorry, go ahead.

**Mr. Stephen Crawford:** Thank you very much. I'd like to now, because I know we have limited time—I appreciate that—I'll just pass it over to Minister Walker for the remaining time.

1050

**The Chair (Ms. Goldie Ghamari):** Minister Walker, welcome back.

**Hon. Bill Walker:** Thank you very much, Madam Chair, and sorry to everyone—lots of technical difficulties today.

I just want to reiterate again that every single MZO that has come through has been sent on behalf of the municipality requesting us to do that. The minister has made it very clear that it is only MZOs on non-provincially owned land that have been at the request of those municipalities. In the case of the Pickering and Durham region one, the minister has actually sent a letter suggesting and asking if

they want that to be revoked, as is required. The clarity here, again, is that we want to make sure, and I want to be—it was actually the Liberals who made the exemption so there couldn't be an appeal. We are trying to work with municipalities to ensure that things like as has been referenced—long-term-care facilities, affordable housing—can be done in cases where they need to be.

Again, it's not us going in and looking for it; it's actually the municipality coming to ask us to have that ability to do that, to move forward. At the end of the day, I think, certainly—and some of my colleagues on the phone, particularly the opposition, I trust, support things like long-term-care homes and municipal affordable housing. Some of the members, particularly members in the Durham region, I trust, maybe knew those municipalities were asking for that permission. I'm not certain how they think we shouldn't work with a municipal government who actually wants that thing to happen. So I just want to be very clear here of what's being discussed and that we have those abilities.

Going back to the broadband infrastructure, again, I want to just let everyone on the line know that we work very closely with our local distribution companies to ensure that we can have more timely access. Someone made a comment around the table—I think, again, one of the members; perhaps MPP French—about the rural missing from the bill. I can assure her there are a number of rural members around the cabinet table who are very, very supportive of this bill and in fact have led the charge to ensure that broadband gets expanded and will serve northern Ontario, will serve rural Ontario and, frankly, will serve urban Ontario.

The whole intent here with the historic \$2.8-billion investment and commitment is that we actually have broadband in every corner of our province so that people have access to timely technology that, again, will impact their businesses, their lives, their health care in every aspect. Certainly my intent with this bill—and I hope all of our presenters, again, will find that there is an ability here to move forward, that we have a great plan to be able to connect people across our great province and ensure that we have it.

Those things have to be done in tandem. We have to do them in partnership, in collaboration. We've moved, as I say—certainly my Ministry of Energy were at the table asking those LDCs to take a look at sharing assets, to making sure we can do it in an expedited manner so that we can move forward and get people to be able to be connected as quickly as possible.

Certainly, COVID has shown us—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Hon. Bill Walker:** Thank you—and has shone a spotlight on how much people are able, if they have connectivity, to work from home, to do education from home, and that is going to have rippling effects on our province for many, many years to come. I'm extremely pleased to ensure that Bill 257 is going to help connect those people. As a government, we want to work in partnership wherever we can to make sure that everybody has

that connection. Northern Ontario, rural Ontario, urban Ontario—all Ontarians—should benefit from and are going to benefit from a \$2.8-billion historic contribution and commitment from our government.

**The Chair (Ms. Goldie Ghamari):** There are 30 seconds left. No?

All right, we'll now turn to the official opposition. MPP French, you may begin. Seven and a half minutes.

**Ms. Jennifer K. French:** Mr. Young, I'm actually not going to ask you a question because I know that MPP Glover is planning to get in on this round again, but I thank you very much for your presentation.

My question is for Caroline. Do I see her? Oh, there, she is—sorry—on the screen; you had moved. Caroline, thank you. As I said, I'm looking forward to seeing some of those slides. I think that there were some parts of your presentation you may not have been able to get on the record. Was there anything that you haven't had a chance to highlight that you'd like to take a minute or two just to finish up?

**Ms. Caroline Schultz:** Yes, thank you very much. I would appreciate that. I probably shouldn't have had slides. That took too long.

I think one of the key things is that MZOs were not intended to violate the direction of the provincial policy statement. This schedule in this bill is now trying to exempt MZOs from the provincial policy statement, and it appears to Ontario Nature and those who are involved with our lawsuit regarding the issuance of the MZO over the Duffins Creek wetland in Pickering that this is an attempt to shield the government from our lawsuit, because our lawsuit is basically around the fact that the government acted unlawfully in issuing that MZO.

So that's the fundamental issue that appears to us—and by us I mean Environmental Defence and Ontario Nature, working with our legal counsel, Ecojustice—that that may be the motivation behind them quickly inserting this schedule into this bill.

**Ms. Jennifer K. French:** Caroline, thank you. I think that living in the broader Durham region and watching the circumstances unfold around Duffins Creek has been very interesting. It's been a day-by-day changing landscape, so to speak. I think that initially, folks were looking at it as seeing schedule 3 in response to the lawsuit. However, as we're hearing from different organizations, we see that the powers granted by schedule 3 extend far beyond this specific story and this specific wetland, and as we've heard from other presenters, are certainly not limited to environmental concerns—everything from affordable housing, basic planning, flooding and whatnot.

But I'm going to go stay in your lane—not to limit you—on the environmental front. Wetlands aside, what are some of the other things—as people are doing their best to understand this, what are some of the other environmental concerns that you have? What might be motivating the government in overriding that fundamental building block of planning, that foundational planning PPS?

**Ms. Caroline Schultz:** From our perspective, with the PPS, the provincially significant natural heritage features are—which include provincially significant wetlands, but

there are a number of categories of natural heritage features that are at risk with this overriding of the provincial policy statement. Tied into that, aside from wetlands, these natural systems and features provide important natural green infrastructure for adaptation to natural events and disturbance, and particularly those that are driven through by climate change.

Also, I think through this whole pandemic, we've seen a huge shift in the appreciation that the Ontario public has for nature and green space, because it's provided a source of solace and respite and places to exercise and that sort of thing. So I think that the whole public valuing of green space, and particularly these significant features, is crucial. This is about good planning for health and safety and preserving the natural environment, but it affects people's health.

**Ms. Jennifer K. French:** Caroline, I'm also going to ask you, because you mentioned farmland earlier, and certainly my colleague John Vanthof has been eloquent and enthusiastic in the Legislature, explaining, as a farmer, the importance of nutrient management, runoff, wetlands, planning, and that predictability that a project butting up on farmland—it all is interconnected. Perhaps you could speak pointedly about that predictability, fairness, all of that stuff that we might see as a problematic result of this schedule 3.

**Ms. Caroline Schultz:** Yes. Well, everybody who wants to know what the rules are, and particularly with the agriculture community—our organization and other conservation organizations have worked closely with the agriculture community in submissions when the provincial policy statement was last amended and in previous iterations, because there's a really important integration between agricultural systems and natural systems to ensure that there is a healthy landscape that provides the ecological services that we need and provides the farmland that produces the food that we need.

1100

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Caroline Schultz:** With development that is unregulated, such as would be enabled through MZOs, that jeopardizes that whole sense of knowing what ought to be protected and what will be there to sustain livelihoods and sustain health.

**Ms. Jennifer K. French:** Thank you very much, Caroline. MPP Glover?

**Mr. Chris Glover:** Thank you so much. I'll just ask a follow-up question to Mr. Young from FOSTRA. Mr. Young, we heard from the Minister of Infrastructure—we just heard him say that MZOs were requested by the municipalities; that this government wants to work in collaboration with municipalities. To your knowledge, did the city of Toronto request the MZO that is allowing the demolition of the heritage buildings on the foundry property?

**Mr. Don Young:** Absolutely not, but he did condition that; he said that MZOs on—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round. At this time, I

would like to thank our presenters for their time. You may now step down.

MS. EMMA CUNNINGHAM

MS. MIRIAM ZACHARIAH

ONTARIO ENERGY ASSOCIATION

**The Chair (Ms. Goldie Ghamari):** We'll now call upon our next group of presenters, starting with Emma Cunningham. Please state your name for the record and then you may begin. You will have seven minutes. Thank you.

**Ms. Emma Cunningham:** My name is Emma Cunningham. Hello, committee members. Thank you so much for having me today so I can express my concerns with Bill 257's schedule 3.

I know that Bill 257 is primarily about broadband and I fully support the need to expand. In Pickering, where I live, there are many people living in the north without reliable access to high-speed Internet, which is particularly concerning during a pandemic where people are forced to work and learn at home. I am fortunate to live in an area where I can get enough high-speed broadband to support myself in a Zoom-filled job and two children doing remote learning. I cannot imagine getting through this pandemic without it.

However, unlike what the Honourable Yakabuski suggested, I cannot in good faith just disregard schedule 3 to lend support to the bill. Schedule 3 does not belong in a bill about broadband and, indeed, its very inclusion makes it impossible to debate the rest of the bill.

Schedule 3 will allow elected officials to be able to allow development on lands that are not zoned for development and are protected under the provincial policy statement. It will allow an MZO to override any environmental protection on any green space that is not part of the greenbelt. The greenbelt is, of course, incredibly important, but it is not the only green space of importance in Ontario.

Recently in Pickering, we convinced local government to cancel their request for an MZO that would have destroyed part of the provincially significant Duffins Creek wetlands. Regardless of who makes the request, this MZO should never have been granted.

Let me be clear: I am all for growth. I am all for jobs. But I think density growth is the way forward rather than urban sprawl into our green spaces. I am not a proponent of NIMBYism, where people fight to avoid having condos or affordable housing in their backyard. Density growth, when supported by proper infrastructure, is a great way to combat climate change.

Working to save the wetlands is how I came to be aware of schedule 3, when I understood that this act would nullify the environmental legal challenges going through the courts, legal challenges that the province's own leaked memos showed were likely to win. What kind of government invalidates the law just to pretend they aren't, and haven't been, breaking it?

In Canada we have three branches of government: the executive, legislative and judicial. The executive and legislative branches are very intertwined, but the judicial branch has always remained separate. This is important because it provides necessary checks and balances to the rest of the government.

For a government that purports to be law and order, I have seen the opposite. Early on in their term, in fact, they threatened to use the "notwithstanding" clause to force their agenda through, despite the fact that it violated the charter. Worse yet, they said that they wouldn't hesitate to do it again. Since the Conservative government has come into power, I have seen them again and again attempt to hamper the ability of the legal system to do its job. They will stop at nothing and no one to get their way. Schedule 3 is simply part of a larger pattern.

But this schedule in particular holds great concern for me. It is a scary precedent for a government to pass a law that allows them to break their own laws and, worse, do it retroactively. Imagine what precedent that will set. From now on, any government that finds the law is getting in their way will simply decide to make it disappear; it will no longer be a law to break the law. While Doug Ford may find that this suits his agenda nicely, what kind of an agenda is it if he loses lawsuit after lawsuit until he finally has to make illegal acts legal to accomplish his ends?

If we allow MZOs to skirt the Planning Act and the Environmental Bill of Rights, what will the government find inconvenient next? What future bills will be passed with legislation snuck inside them to work around our legal system? This government has been trying to move every legal challenge out of its way.

It's vitally important for people to be able to challenge our elected representatives and hold them to account. It is not enough to wait for election time to do so.

I oppose the use of retroactive legislation to override provincial policy and smart growth planning in Ontario. Schedule 3 in the Supporting Broadband and Infrastructure Expansion Act, Bill 257, will override provincial planning law and allow developments on protected lands like provincially significant wetlands in the Duffins Creek area. I oppose governments deliberately and stealthily working around the law.

Please remove schedule 3 so that we can have a proper debate and discourse about the best way to bring affordable and reliable broadband Internet into Indigenous and rural communities. Thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you very much.

We'll now turn to our next presenter, Miriam Zachariah. Please state your name for the record, and then you may begin. You will have seven minutes.

**Ms. Miriam Zachariah:** My name is Miriam Zachariah. I'm a resident of Toronto. I'm not affiliated with any particular organization.

Thank you, standing committee, for allowing me to present. I was moved to ask to present to this committee for many of the reasons that were stated by Emma. I am also very concerned about schedule 3 that's buried in this

law that is purportedly about the expansion of broadband. I am not opposed to the expansion of broadband. I agree that we do need to have access to the Internet for many communities. I also feel, though, that hiding schedule 3 within this law, to residents of Ontario—it makes it feel like the Ford government is doing something good for the people of Ontario, particularly in a pandemic, when they know that this will be a very popular item for people.

I am also extremely opposed to the idea of any kind of law that keeps the residents of Ontario from protesting or having legal public consultations about any changes to the way that we use land in Ontario. We need to have the opportunity, as citizens and as residents, to engage with the government when they propose development. That is an important political right and democratic right that we have in our society. Otherwise, we will have relationships happening between governments and developers that do not include the citizens and do not include the needs of the citizens.

The other voice that is not represented, particularly in schedule 3, with MZOs being able to be granted without public consultation, is the voice of the environment—and the voice of young people, who will need that environment.

Without protection of wetlands, of green spaces, of even farmland, we run the risk of having a great deal of flooding south of any of those wetlands or in areas close to those wetlands, because wetlands are a very important factor in reducing flooding. We also run the risk of nutrients and runoff from agriculture getting into the water supply of municipalities and towns that are near those areas. The wetlands are often, kind of, the kidneys and the liver of our environmental system. They keep the water clean that we need to use as citizens, as well.

1110

Also, down the road, our young people will often—it's easy to destroy a wetland. It's easy to bulldoze it. It's easy to destroy a forest. It takes years—years and years and years—to rebuild those environmental protections. So we leave that in the hands of future generations, to have to rebuild what we destroy for, really, our convenience.

That is the end of my presentation. Thank you very much, standing committee.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the Ontario Energy Association for seven minutes. Please state your names for the record, and then you may begin.

**Mr. Vince Brescia:** My name is Vince Brescia. Thank you to the Standing Committee on General Government. We appreciate the opportunity to speak to you today on Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021.

I'm joined today by my colleague Roy Hrab, who is our director of policy. We're here on behalf of the Ontario Energy Association.

The OEA is the credible and trusted voice of the energy sector. We represent Ontario's leaders that span the full diversity of the industry in Ontario. Our members include electrical and natural gas distributors, transmitters, power

producers, energy service providers and the many professionals and service providers in the sector.

Today, I'm going to speak about the following five aspects of the new legislation: health and safety, timing requirements, recovery of damages, utilities as partners, and clarity. Before I speak to those, I want to state that the OEA and its members strongly support the government's objective of improving broadband access to Ontarians. Broadband access in the modern era is critical in ensuring the socio-economic development of all regions and enabling the participation of all Ontarians in modern life.

To achieve the government's objectives, the bill outlines a framework to expedite the installation of broadband infrastructure and other priority infrastructure projects. The OEA's utility members support the objective of streamlining broadband infrastructure projects to facilitate quicker access to broadband services for Ontarians. We intend to work with the government towards that goal and help ensure that health and safety standards are maintained and that there are not inadvertent negative impacts on electricity and natural gas ratepayers as we develop ideas to streamline processes. Additionally, we are pleased that the bill contains provisions whereby the minister may make payments of such amounts as may be determined by the regulations in order to compensate a utility for any lost revenue arising from the application of a bill or the regulations.

One issue we identified as OEA members relates to the provision of section 21 of the proposed legislation. This relates to the location of underground infrastructure. Specifically, the OEA has concerns that someone can be authorized to dig without locates in a manner of—if One Call does not do the work requested of them in a 10-day period. There are high-pressure gas and high-voltage electrical infrastructure located underground, and the potential consequences of damaging this type of dangerous and high-value infrastructure include death, injury and broader impacts to the community such as property damage, evacuations for repair or interruptions to vital services.

While I understand that this section is intended to serve as a backstop measure, I would like it on record that there is never a circumstance that warrants the safety risks associated with excavating without utility locates. The risks are simply too high. This section should be removed from the bill, and the energy sector will work with the government to ensure timely delivery of locates.

Another health and safety concern relates to section 9 of the legislation, under which the minister may authorize a proponent to carry out work on utility infrastructure like poles, powers and wires. We want to go on record to state that there must be appropriate minimum qualifications for those undertaking this work, and the work should also comply with safety regulations like the Technical Standards and Safety Authority and the Electrical Distribution Safety regulation 22/04 requirements.

The bill currently includes an absolute 10-day business limit requirement for completing locates associated with these designated broadband projects. Natural gas and electrical utilities take their responsibilities to deliver



timely locates seriously and are concerned that if they are unable to complete the locate work, the minister may authorize digging to begin without a locate. The OEA believes that the government or designated authority should work with utilities to schedule when work will be planned to occur so that locates can be planned accordingly.

The bill currently prevents a utility from seeking damages or remedies of any kind in the event that someone proceeds with a dig without review by the utility and damages occur to the system. The OEA notes that if regulated utilities are made to absorb these incremental costs, this would directly translate into increased costs for Ontario's natural gas and electricity ratepayers. The OEA believes that these costs should not be passed on to ratepayers and are avoidable if excavators are not authorized to dig without utility locates.

While the OEA remains supportive of initiatives that can help all parties streamline processes, these sections expose utilities and their customers to potentially massive liability and safety concerns. The OEA would like to work with the government on a reasonable alternative to ensure responses to One Call notifications are timely.

As mentioned at the outset, OEA members recognize the importance of this initiative, and we want to be part of the solution. The legislation appears to enable utilities to partner with project proponents and to be compensated accordingly. Planning for and enabling utilities as partners is an excellent strategy for this initiative. Utilities as partners can bring their expertise and in-depth infrastructure knowledge to broadband projects, facilitating quicker, safer and more cost-effective outcomes.

Finally, the OEA notes that many critical elements related to the bill will be made under regulation. For example, the definition of a designated broadband project will be subsequently made under regulations for the purposes of the bill. In the absence of clear definitions and processes in the bill, stakeholders need to wait until after the legislation is passed until proposed regulations are posted to comment on details such as these. The OEA recommends that the government engage early with the technical experts from utilities, prior to drafting regulatory language, to expedite this process.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Vince Brescia:** That concludes my remarks. Thank you again to the committee members for the opportunity to speak today.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. We'll now go to our first round of questions, beginning with the official opposition. MPP French.

**Ms. Jennifer K. French:** I welcome everyone to the committee. Thank you for taking the time to share your thoughts.

I'm actually going to start with going in reverse order, so the Ontario Energy Association—we have had some other presenters today who have specifically highlighted some of the challenges in section 21, specifically subsection 21(2), different specific areas. It remains to be seen

what the government will take away from today's conversation in terms of amendment or changes, but those points have been made.

Do you have specific recommendations for what the language should be in an edited or updated version of this bill, in the broadband section? Or would you strike that whole section?

**Mr. Vince Brescia:** Thank you for the question.

I don't think the whole section needs to be eliminated, but we are concerned about 21(3), 21(4) and 21(5), which have a very disproportionate remedy compared to the objective. We just don't think it should ever be the case that a dig should happen without a locate or consultation with the utility. We are perfectly amenable to a revised language or approach and are happy to work with the government. We think that a hammer this strong does not belong in legislation, so we'd like to see those latter sections removed.

**Ms. Jennifer K. French:** As you said, without those clear definitions and clear processes, you're going to have to wait and see, unless the government brings you in earlier. I hope that they heard you and will indeed consult with industry folks to make sure that everyone is safe, because we've heard a lot today about digging and risks.

Thank you for your presentation.

I will turn to Ms. Cunningham. Thank you for joining us all the way from Pickering. Pickering and area—certainly, with Duffins Creek—has been not just in the news, but folks have been following along with that.

One of the questions I asked the ministry yesterday as committee was what the government makes of the public outrage. You live there. I would like to know not just what you saw in terms of the public response—but if you could speak to why you think the public was so frustrated along this journey. I think Schedule 3 can be applied to many, many projects going forward—any projects going forward, environmental or otherwise, potentially—and so it might be worth the government hearing how the public responded and why.

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**Ms. Emma Cunningham:** I think people in Pickering got very angry because this is flooding prevention in our space. It provides a carbon sink. There are a lot of benefits; Duffins Creek in general offers a lot of recreational activities. People were able to see that although this is not one of the pretty areas, that doesn't take away from its functionality.

What we also saw is that when we held our march on March 6, we had over 300 people come out during COVID—and of course we sent people out on this march in small groups, to make it safe. But we saw people come from all over the GTA, and I think that goes to exactly what you were saying: This can happen to anyone. We spoke with lots of people from different municipalities who had similar projects in the works for their area, and they wanted to see what we were doing so they could learn from us. We're still being contacted by people from all around the GTA wanting advice on how to protect their own wetlands, their own green spaces. I think people are

really realizing that this government's agenda is to build at all costs, no matter what gets in their way.

**Ms. Jennifer K. French:** Emma, I'm going to ask you to share with the committee: You have mentioned things that "we" have done, "we" being you and an organization, but you haven't mentioned the organization before.

**Ms. Emma Cunningham:** Oh, so I volunteered with EANAP, Environmental Action Now Ajax-Pickering. I'm not here on behalf of them; they'll be making a separate presentation. I'm just here as a private citizen, but I did volunteer for them.

**Ms. Jennifer K. French:** Okay. But I think a take-away is that when you have grassroots organizations and grassroots folks, you have all sorts of interconnected pieces, not unlike wetlands and waterways—all interconnected. Thank you.

Speaking of flooding, what is the risk in that specific area? And across the province, do you, as a private citizen who has concerns about flooding—what should people be aware of with the wetland challenges?

**Ms. Emma Cunningham:** People should be aware that wetlands have been around, doing this kind of functionality, for 10,000 years. When you eliminate a wetland, you take away. The original MZO proposal was to build a new wetland at 1 to 1 but in a completely separate area of Pickering, up north. You can't get flood prevention for south Pickering when you build another wetland in north Pickering, and you can't replicate 10,000 years of work in a year. It just can't happen. Building another wetland is amazing—do it—but not at the expense of one that we already have.

**Ms. Jennifer K. French:** Okay. Thank you. How am I for time, Chair?

**The Chair (Ms. Goldie Ghamari):** One minute.

**Ms. Jennifer K. French:** Okay. Then I'll go to Miriam in my second half—so stay tuned, Miriam—but I'll stick with Emma, then. You had talked about how, obviously, the greenbelt is important, and how other not necessarily green spaces—maybe blue spaces, brown spaces, what have you—are also important. As these projects are on the horizon, how can people advocate if there isn't a public consultation process?

**Ms. Emma Cunningham:** I think people can advocate in exactly the way we're doing: They can form together and organize. They can join groups. They can add their voice to places like Environmental Defence or Ontario Nature. They can pay attention to what Indigenous people are speaking about, and amplify and highlight their words. They can absolutely reach out and contact their MPP and their city councils and let their voice be heard. If you're loud enough, if you make enough noise, even without consultation, governments are forced to consult with you anyway.

**Ms. Jennifer K. French:** I think that's time.

**The Chair (Ms. Goldie Ghamari):** Yes. Thank you very much. We'll now turn to the independent Green Party member. MPP Schreiner, you have four and a half minutes. You may begin.

**Mr. Mike Schreiner:** Thanks to all three presenters for coming in today and providing valuable information.

I'm going to start my first question with the Ontario Energy Association. Vince, we've had numerous people come to committee raising serious questions about section 21 and the risk it poses to public safety, and so I'm just wondering, from your reading—and you and all the other presenters have said, "Hey, we want to see broadband expanded." I certainly want to see broadband expanded to all communities, especially rural, remote, underserved communities.

If section 21 is taken out of the bill because of public safety, would that have a negative impact on achieving the objective that I think we all want: to see broadband rolled out to underserved communities?

**Mr. Vince Brescia:** Thanks for the question, MPP Schreiner.

A very short answer to your question is, no, I don't think we need to slow the rollout of broadband if we have an alternative to section 21. I'm not sure if it needs to be removed or amended or what the best fix is. Like I said—we really mean it—we're keen to be part of this initiative. We're keen to be part of the solution. We even think there may be an opportunity for our members in this, so we're excited for it. We certainly don't want to slow anything down. But I don't think we should ever compromise public safety. It may be there to use, in the metaphorical sense, of being a hammer, if you know what I mean—that maybe the intention isn't there to use it. But we just don't think it should be there, because if it's not going to be used—such a harsh remedy. Allowing a dig to go without proper safety checks—even if it does save a day or two, it's not worth that risk. And then to prevent any subsequent compensation to utilities and their ratepayers if there's a negative outcome from such a precipitous action is quite inappropriate, quite disproportionate to the objective.

Like I say, we're keen to make this happen. We just find this to be out of proportion. I don't want our comments to make it seem that we're upset with the bill or the objective in any way. We just have this particular concern.

**Mr. Mike Schreiner:** What I've heard you and others say is, you support broadband expansion. I don't hear you saying you're opposed to the bill in that regard—but that we have to prioritize public safety, and section 1 could compromise public safety. So I don't hear you saying you're opposed to broadband expansion or other parts of the bill.

I won't ask you to comment on schedule 3, because that's probably not going to put you in a comfortable position. But I would like you to comment quickly on the—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:**—concern you raised around the definition of designated projects. I know that will likely be determined in the regulatory process, but would there be something that could be in the bill that would address your concerns?

**Mr. Vince Brescia:** Those comments weren't related as much to the bill as to our desire to get engaged with the government early, prior to regulations being drafted. I know we're moving at a quick pace, but I think we want

to have input into that process—so not specifically a concern with the bill.

**Mr. Mike Schreiner:** Were you consulted on this bill at all?

**Mr. Vince Brescia:** I have had some discussions with government, yes. We did have a session where utilities were invited in and given a high-level overview that didn't prejudice the Legislature in any way but gave a sense of the direction the government was going.

**Mr. Mike Schreiner:** I think I'm out of time, so I'll talk about schedule 3 in my next round.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government, starting with MPP Wai.

**Mrs. Daisy Wai:** Thank you to all three presenters. You all really see the importance of supporting broadband as well as the infrastructure.

Actually, just as we passed the budget, I heard from a lot of people who said this is the way to go. Broadband is needed in the rural areas, underdeveloped areas, as well as some urban areas. Some urban areas have to be developed, as well. They are so happy to see that this will attract investment and will provide affordable housing.

It also reminds me of what I have been hearing from AMO. A lot of the municipalities that are in the north were concerned because it's only a lot of seniors left in the municipality. All the younger people have flooded down to the south in order to do work because there's not enough broadband to support them to do their work. So the broadband in rural areas is very, very important, and I'm sure we all agree with that.

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I just want to reiterate that we are in partnership, committed to working with all the municipal partners, and also we are committed to the greenbelt, that we are not changing it. Not only are we not changing it, we are, as you heard in the budget, committed to growing the greenbelt. In fact, we have been receiving from different municipalities—actually, we rejected nine requests because of our concern in the greenbelt and because of our commitment. I just want to give all of you the peace of mind that, as our MPP Bob Bailey has mentioned, the One Call is important for us to speed up a lot of things.

I have a question for Ms. Cunningham. I just want to reiterate: Are you aware that, currently, consulting on growing the greenbelt is also coming from your municipality? In fact, they are saying that—they sent us a request as well from the city of Pickering, requesting this. So I would like to see if you would be making an official submission when we are having our special consultation that is being held now in regard to the growing of the greenbelt. Thank you.

For Ms. Cunningham.

**Ms. Emma Cunningham:** Sorry, I was on mute there. As I mentioned in my speech, the green belt is unquestionably important, but it is not the only green space that requires protection. I was aware that Pickering is also having conversations about the greenbelt. I think that's fantastic, but again, not at the expense of some of the other green, brown and blue spaces—to MPP French's point. I

would love to be consulted on that as well. I think that would be a great place, and I will look into applying for that. Thank you for letting me know.

**The Chair (Ms. Goldie Ghamari):** Next we have MPP Bailey—sorry, Minister Walker. Go ahead, please.

**Hon. Bill Walker:** My question is to the Ontario Energy Association and Mr. Brescia. Good to see you, Mr. Brescia. I trust that you're pleased to see a historic \$4-billion initiative for broadband and that every unserved and underserved community in rural, northern and urban Ontario will be served by this. I just wonder if you could give us any initial feedback you've received from your members and what role you really see your association playing in this monumental and transformative change for the people of Ontario. Thank you.

**Mr. Vince Brescia:** Thank you, Minister Walker. Yes, good to see you as well. First, I just want to say that we do think this is a monumental initiative and how pleased our members are to see so much funding the government is putting into such an important initiative. We're thrilled. We see terrific opportunity.

I also want to thank you for recognizing the role that utilities can play and the very clear direction that has been outlined to make sure that costs incurred as utilities do their part to make this happen will be covered, so that electricity ratepayers and natural gas ratepayers are not inadvertently negatively impacted. We see opportunity for us as partners in these projects and so we're also excited to be part of the discussion and part of helping this infrastructure get developed. So we're very excited on all counts and want to thank the government for its leadership in this area.

**Hon. Bill Walker:** Great. Thank you so much. And I trust the other pieces—obviously, I want to get on record very clearly, because I missed part of this because I was on a cabinet call, that safety is absolutely fundamental. I think there are ways, as you have alluded to earlier, that we can make amendments and we can come back to the table with ideas—absolutely. We're doing nothing that isn't putting the safety of Ontarians at the absolute forefront. Certainly, I think with organizations like yours and input from many of the LDCs and groups' stakeholders, we can find a way that we can make this happen. That obviously is going to make it safe, and I trust you're comfortable that we will do that.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Vince Brescia:** Thank you, Minister. I'm thrilled to hear you say that. Very much so, we know that you see safety as a priority, and we look forward to working with you to achieving the speedy and cost-effective outcomes you're looking for while still protecting safety. We really appreciate that, so thank you for those words.

**Hon. Bill Walker:** I'll turn to Mr. Crawford now.

**The Chair (Ms. Goldie Ghamari):** MPP Crawford, you have 45 seconds left.

**Mr. Stephen Crawford:** Okay. I guess I don't have a lot of time left. I'll just make a quick comment and then perhaps we can maybe get some more questions in the next round.

I know we touched on MZOs, but I do want to make it very clear that all MZOs that are on municipally owned land are at the request of the given municipality. I can tell you, yes, we've used MZOs more than the previous government and I think that's something we should be proud of. We have a huge issue in long-term care in this province: 500 beds built over the last decade and there's a major shortage, as we know, through the COVID pandemic. We've utilized an MZO in Oakville to get a long-term-care home up and running. That will create 500 beds that are going to serve the needs of this community. That's something we can be proud of.

With that, I'll pass—

**The Chair (Ms. Goldie Ghamari):** Thank you. That concludes this round.

The next round is for the official opposition. Who would like to begin? Sorry, MPP French, before we begin—I haven't started your time—I just wanted to confirm, MPP Sabawy, that you are present and that you are in Ontario.

**Mr. Sheref Sabawy:** This is Sheref Sabawy. I'm calling from Mississauga, Ontario.

**The Chair (Ms. Goldie Ghamari):** MPP French, you may now begin. You have seven and a half minutes.

**Ms. Jennifer K. French:** I will start out this round with Miriam Zachariah. Thank you very much for joining us. As you started your presentation, you made it clear that you, like I think everyone else not just on this call but across Ontario, recognize the importance of broadband and ensuring that folks have access to the Internet. I will say that it's disappointing that we're having to split such an important conversation with another important conversation around environmental protections—that we find schedule 3 in this bill—whereas we could have a nice, clean broadband discussion if it was just schedules 1 and 2. But here we find ourselves.

I'm glad, actually, that this committee has been hearing from organizations and also from individuals, like yourself and Ms. Cunningham, who have to live in the communities—and I don't mean “have to” as a negative—those who have the opportunity to live in communities, but who might have to live with the consequence of some of these decisions that don't involve public consultation.

Can you give us a couple of examples, either locally or in your broader neighbourhood and community, where the public has not been consulted? Again, the government should probably factor that in as they're moving forward with decisions.

**Ms. Miriam Zachariah:** Certainly in Toronto, the foundry decision is one of those where we haven't been consulted. There aren't maybe as significant environmental impacts, but as we move forward, even when there are public consultations—I know that, for example, in Toronto, there are many, many buried waterways and many, many wetlands that have been destroyed in order to make the city. When we do that with some consciousness, then we prevent the erosion that occurs. When we pave something over, then the water just goes right over the top

of it, right? When we have soil, when we have trees, when we have wetlands, then the water can go down into the soil and go into the water table and not necessarily come right over the surface of the land.

We've had several flooding incidents in Toronto that are somewhat related to us not having as much green space as there should be, because in all of lower Ontario, we have the Humber River system and we have the Don River system. These are both systems that have many, many waterways attached to them. Every time we compromise one of those waterways, every time we compromise one of the wetlands that feeds those waterways, we run the risk of increasing flooding.

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We also take away the access to green space that is needed. I know that in Cedarvale, which is my neighbourhood, there have been proposals to change the parks. It's another wetland in our local community, and there have been proposals to do that. There has been a lot of public resistance, so many of those changes did not occur, but it would have severely impacted people.

I see people that I never saw in the park before, people who live in high-density communities, particularly during this pandemic. I'm a former elementary school principal in downtown Toronto and I saw the impact in high-density communities of people not being able to get out of their houses, of children not being able to go outside to play; and the impact on their mental health, the impact on their social and cognitive development that occurred, and a lot of these families were beginning to access some of those green spaces that they had not accessed before.

**Ms. Jennifer K. French:** Clearly, you have a passion for the environmental side. I think that folks on the committee, I hope, appreciate that as well.

But as a resident in a neighbourhood, you clearly understand the potential impact of schedule 3 on the environmental side, or the ability to run roughshod over the PPS or override it entirely. What are some of the other impacts that your neighbours might not consider—because schedule 3 and the PPS isn't specific to the environment; it has all sorts of other pieces in it. Are you familiar with what that might look like [*inaudible*]?

**Ms. Miriam Zachariah:** I'm not as familiar. I have just been listening to the possibility of excavation. That's another area that I think is concerning because excavation has its own types of risks—

**Ms. Jennifer K. French:** Sorry, not to interrupt, but specific to the Planning Act and the [*inaudible*] foundational, kind of like the building code of the Planning Act, right? It's the fundamentals of good planning: safe drinking water, flooding and all of that sort of stuff; not just the environment or affordable housing, but all of those pieces. What might be some concerns, knowing that, just on the basis of that, and how might that impact neighbourhoods down the road?

**Ms. Miriam Zachariah:** The lack of consultation is the biggest concern. I was part of a huge consultation with one of my public schools, where there was a large condo

development being planned just south of the school. We were allowed in that public consultation process to talk about the impact of the shadow on the schoolyard, the impact of students not getting access to daylight; the issues around noise and construction that would happen over several years and the impact of that on students; as well as the impact on traffic and safety, just crossing roads and doing all of those kinds of things; and pricing people out of that neighbourhood who had access to the infrastructure because prices go up.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Miriam Zachariah:** All of those pieces are really important pieces. I don't think many people in Ontario are aware that, if there's an MZO, then we're not allowed to consult on those things, and we can then end up with developments that are not respectful to the citizens of Ontario.

**Ms. Jennifer K. French:** Thank you. I think I've got 30 seconds or so. Ms. Cunningham, the same question to you, if you have thoughts.

**Ms. Emma Cunningham:** I think there are a lot of things to be thought about in terms of the Planning Act. I did mention in my original presentation that I think it's frightening that they're writing a law to overshadow previous laws. I think it's important that the Planning Act be able to go through. It was written for a reason.

I heard earlier that—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round. We'll now turn to the independent Green Party member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Emma, I was going to direct my first question to you, so maybe I'll let you finish your response to the last one and then ask you a question.

**Ms. Emma Cunningham:** I was going to say, I heard earlier that MZOs have been positive, and there are absolutely examples of that. When I spoke at Pickering council, the example I gave was of Elliot Lake, where the grocery store collapsed and had needed to be rebuilt. There is absolutely a time and place for MZOs, but not at this rate and not at the expense of multiple swaths of green space.

**Mr. Mike Schreiner:** Great. Thank you for that. Actually, knowing that you've spoken at Pickering council leads me to want to ask you another question now. Yesterday, when I was asking the minister about MZOs—and I agree with you: There are some MZOs that absolutely make sense. I think MZOs that violate the provincial policy statement don't make sense. I would argue, who would want a long-term-care home in a flood-risk area where you can actually flood the long-term-care home? I mean, we've got to be smart about these kinds of things.

But that aside, when I asked the minister about it, he said that local councils do their due diligence. He as the minister does his due diligence. I question that around Pickering, because I actually was at one of the protests that had hundreds of people. We were all masked up, trying to keep our distance and be safe, obviously. But I was surprised—I'm from Guelph—there were even people

from Guelph who came. I couldn't believe it. I was there, and I was like, "Oh, all the way from Guelph and you're here," because I think people recognize how important wetlands are and just the principle behind this.

I'm just curious: Was adequate due diligence done in this particular case? We're talking about an Amazon warehouse on provincially significant wetlands. Can you comment on that, just as a resident of Pickering?

**Ms. Emma Cunningham:** I'm going to lean on something that Councillor Maurice Brenner said. What he pointed out was that, at the time he voted to support requesting the MZO, he didn't know that the TRCA was going to be handcuffed. He didn't know that MZOs would be able to bulldoze the Planning Act. He didn't have that information at the time he made the request, and he said that he might have voted differently had he known that. So, no, I don't think there was proper consultation, and no, I don't think the city of Pickering was given all the information that they needed to make the right decision. I was very happy to see Councillor Brenner and Councillor Bill McLean ask for the MZO request to be repealed on the grounds that they had new information they just didn't have in the beginning.

**Mr. Mike Schreiner:** A similar story seemed to have happened in Stratford with the one there as well.

The other thing that concerned me—and I realize you live in Pickering, but you must, obviously, have a lot of friends who live in Ajax. I know there's that subdivision in Ajax that really runs right along the wetland. I was just thinking the folks who live there would be at significant flood risk if the wetland was destroyed.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** It feels like their concerns were not considered. So I guess, since you went to council, were the concerns of people in the adjacent municipality considered when the request was made?

**Ms. Emma Cunningham:** Pickering and Ajax came together to fight for this. But behind the scenes, there was a bit of a battle between Ajax and Pickering going on in that they both wanted the Amazon warehouse. It was a complicated situation politically on a municipal level. Ajacians were reaching out to their city council. They also reached out to the regional council, which also approved this MZO request. So, I would say the voice of Ajacians was heard, but since they don't live in Pickering, they had limited access to Pickering city council.

**Mr. Mike Schreiner:** Gotcha. I'm almost out of time, but Miriam, Toronto is subject to significant flooding, partly because the lower Don wetland—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have for this round.

We'll now turn to the government for the final round of questions, beginning with MPP Crawford. You may begin.

**Mr. Stephen Crawford:** Thank you, Madam Chair, and thank you to all the presenters for taking your time today to present.

Certainly, at the outset, I did want to mention that Minister Clark—just so it's on the record, there have been

multiple requests to change the boundaries, to get development on the greenbelt. He has actually refused development nine times. There have been nine requests for development; he has refused them. We've been adamant that we will not change the boundaries of the greenbelt. I just want to get that on the record. I know the previous government changed the boundaries 17 times, so it seemed to move around quite a bit. We have been steadfast that we will not change the boundary. I certainly want that on the record. I encourage all of you to participate in our consultation we're doing right now on the greenbelt, which I believe ends at the end of April. It's about an expansion of the greenbelt, potentially the largest expansion since its inception in 2005. I would encourage you to participate in that.

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With that, I'm the parliamentary assistant to the Minister of Infrastructure, so I'm very involved in this bill in terms of the infrastructure broadband component, and I did want to certainly highlight our government's commitment to infrastructure. We are absolutely, 100% committed. We have a major digital divide in this province today. We've got haves and have-nots, and I think it's wrong. We need to build broadband throughout the province of Ontario. We've seen it with kids who unfortunately haven't been able to access proper learning and online learning through the pandemic. I think the pandemic shed a lot of light on that, obviously. Businesses are not able to connect as easily. Families aren't able to connect as well. We are committed to that. We've made a historic investment, as of the budget a couple of days ago, of \$4 billion.

So I guess my question would be—and I'll ask this to Ms. Cunningham—in terms of our commitment to the digital divide and decreasing that and expanding broadband, I just wanted to get your sense of what impact this expansion of broadband through this bill will have, particularly on rural communities and First Nations communities. What impact will that have on the expansion of broadband, and how important is it to those communities to get better broadband service?

**Ms. Emma Cunningham:** I think it's absolutely key. As I mentioned in my speech, I work in a job; I work in advertising. There is a high amount of Zoom calls all day. My children are doing online learning with a large proponent of synchronous during the day. My Internet bill has gone through the roof, and I'm lucky that I have access to that. However, I don't think we can debate the other parts of the bill about broadband until schedule 3 is removed.

**Mr. Stephen Crawford:** Okay. So with that, I'll pass it over—Mr. Brescia, I'm sorry if I got your name incorrect. Actually, I think MPP Schreiner and MPP French asked some really good questions in terms of the safety component that you have brought up with the locates. We're here to listen, obviously. That's why we have committee. I wanted to get your thoughts on specifically how some of the wording could potentially be changed, in your view, on that specific piece.

**Mr. Vince Brescia:** Thank you, MPP Crawford. Off the top of my head, I don't have a specific wording here to give you. We certainly are ready on very short notice to come up with something with the government—I don't know how quick your turnaround time is—that will help you meet your objective, while at the same time protecting safety. We want to meet the same speedy objectives you've outlined. I think you spoke eloquently about the importance of bridging this digital divide. We recognize how critical a moment this is in history for us to make sure everybody can participate fully in society.

We have no intention of slowing things down. I think this is an easy fix, to be honest, and I think if we work together it wouldn't even take very long to come up with something that we'll all be happy with. I don't have the specific wording that I want to throw out just now, but I think this is easily achievable. And we appreciate the government's responsiveness on this, so thank you for hearing us out on that.

**Mr. Stephen Crawford:** Yes, certainly, reach out. We would be interested in that. I know we get some good information out of the committee meetings, which is why we're here today, of course, and I appreciate the time you've taken with that. Again, I just want to reiterate the importance of broadband in this province. Our goal is to have everybody connected in Ontario by 2025, so I'm glad that we seem to share that goal.

With that, I will pass it back to the Chair.

**The Chair (Ms. Goldie Ghamari):** Thank you. Are there any further questions from the government side? You have two and a half minutes. Minister Walker, you have two and a half minutes. You may begin.

**Hon. Bill Walker:** I want to just make sure that I heard that clearly: Ms. Cunningham, I think you were suggesting that we should stop broadband expansion for those people who don't have it in rural areas, northern Ontario and Indigenous communities while we do schedule 3.

Mr. Brescia, I wonder if you would suggest that this could be done simultaneously, and that you would suggest that we can do things, even including making amendments, and ensure that we can move forward with this very critical and historical project.

**Mr. Vince Brescia:** Thank you, Minister Walker. Absolutely. I think we can make amendments and get on with this project as expeditiously as possible. We look forward to working with you and this committee to make that happen as quickly as possible.

**Hon. Bill Walker:** Thank you very much. I just want to, again, reiterate: The Liberals in the past government issued 19 MZOs. They removed parts of the greenbelt 17 times for developers. Minister Clark has already said he will be revoking the MZO in Pickering at the request of the city of Pickering, similar to how he accepted it at the request of Pickering.

At the end of the day, certainly as someone who's around the table, our intent is to work with municipalities, to be collaborative and find ways that all levels of government can do what's on the betterment. So when a municipality comes to us, who we believe represent the people at

the closest level, asking for these type of things—again, the minister has been very clear. He'll only do that if a municipality comes forward and asks for those types of changes to be made. As you've said, MPP Crawford, we are here to listen. We did listen, again—

**The Chair (Ms. Goldie Ghamari):** Forty-five seconds left.

**Hon. Bill Walker:** —once the municipality came back and said, “We'd like to revoke.”

**The Chair (Ms. Goldie Ghamari):** No more questions? All right. Then, at this point, we are done with this round of presenters. I'd like to thank everyone and the presenters for their time, and at this point, the presenters may step down. I'd like to thank all committee members as well for their participation and ensuring everything can go smoothly, especially with Zoom and technology.

At this point, we are now recessing until 1 o'clock. I hope you all enjoy your break, and we will resume then. Thank you.

*The committee recessed from 1157 to 1300.*

**The Chair (Ms. Goldie Ghamari):** Good afternoon, everyone. The Standing Committee on General Government is resuming for hearings on Bill 257, An Act to enact the Building Broadband Faster Act, 2021 and to make other amendments in respect of infrastructure and land use planning matters.

Before we begin, I would just like to confirm the attendance of two MPPs who have joined us.

MPP Dave Smith, can you please confirm that you are present and that you are in Ontario?

**Mr. Dave Smith:** I am MPP Dave Smith, and I am in beautiful downtown God's country, Peterborough.

**The Chair (Ms. Goldie Ghamari):** Thank you. I hope the weather is nice in God's country.

MPP Shaw, can you please confirm that you are present and in Ontario?

**Ms. Sandy Shaw:** I am present, and I am in Hamilton.

**The Chair (Ms. Goldie Ghamari):** Thank you.

INDEPENDENT TELECOMMUNICATIONS  
PROVIDERS ASSOCIATION  
MISSISSAUGAS OF SCUGOG ISLAND  
FIRST NATION  
ENVIRONMENTAL ACTION NOW  
AJAX-PICKERING

**The Chair (Ms. Goldie Ghamari):** We will now turn to our first set of presenters for the afternoon. You'll each have seven minutes for your presentation.

Independent Telecommunications Providers Association, please state your names for the record and then you may begin. You will have seven minutes.

**Mr. Jonathan Holmes:** Thank you, members of the committee, for the opportunity to appear before you to discuss this important proposed legislation. My name is Jonathan Holmes. I'm the executive director of the Independent Telecommunications Providers Association, or ITPA for short. With me today is Mike Lynn. Mike is the

general manager of WTC Communications, a rural broadband service provider that operates in Kingston and the surrounding areas.

The ITPA's Ontario membership is made up of 18 telecom carriers that build rural broadband networks that serve rural Ontarians and businesses. Many of our member companies have been in business for over a hundred years, and all have made the transition from providing just telephone service to providing cutting-edge broadband with speeds far exceeding the CRTC's target download and upload speeds of 50 and 10 megabits per second.

ITPA member companies build rural broadband networks in places that have been passed over by the largest telephone and cable companies. Because of some tough and rocky terrain in our operating territories, it's easier and less costly for these companies to extend their networks on hydro poles as opposed to drilling through the rock of the Canadian Shield. As a result, some ITPA members make extensive use of Hydro One poles and pay its pole rental fee.

As you're likely aware, Hydro One's pole rental rate has essentially doubled in the recent past, and if the situation remains unchanged, companies face additional increases in the near future. These rate increases have diverted scarce financial resources away from extending broadband coverage to merely covering the cost of plant already in place.

I'll turn it over to Mike.

**Mr. Mike Lynn:** As Jonathan mentioned, WTC has its roots as a telephone provider in eastern Ontario, and we have almost all of our copper-based telephone wires on hydro poles. Our serving territory is quite rural, so we do not count the number of subscribers per pole but instead count the number of poles per subscriber. For Hydro One poles, we use 2.6 poles per subscriber, and after the latest pole rental increases by the OEB, our monthly pole rental cost per subscriber is close to \$10 per month.

Over the past 10 years, WTC has been focused on improving broadband in small towns, villages and rural areas in eastern Ontario through fibre to the home builds. These builds provide connections of up to 1 gigabit per second and give customers the Internet they need to work from home, attend school remotely and access all of the services they need in their day-to-day lives.

The uncertainty of how much pole attachment rates will increase in the future, coupled with the high make-ready costs of replacing old hydro poles during construction, has led WTC to only consider new builds where it's possible to bury fibre cables. To date, this has meant that areas with more density of homes are the only places that have been considered for new fibre to the home construction.

Bill 257 will make it possible to extend better broadband infrastructure in the more rural areas.

I'll pass it back to Jonathan.

**Mr. Jonathan Holmes:** Thanks, Mike.

The ITPA applauds the government for tabling the bill to address barriers to broadband deployment in the province. We note that Wednesday's budget will allocate additional funds for broadband rollout in Ontario. The

measures contained in Bill 257 will assist with the efficient and timely deployment of broadband infrastructure in the province in response to the increased demand caused by the COVID-19 pandemic.

Specifically, we would like to applaud the measure to remove rate-setting for telecommunication space on hydro poles away from the Ontario Energy Board. Over the past five years, the ITPA has been allied with other telecom carriers in an effort to challenge the rate increases imposed by the OEB and have these rates set more appropriately at levels that will encourage and enable rural broadband rollout using these facilities. Once this bill becomes law, the ITPA encourages the government to move quickly to lower pole rental rates and to closely monitor rates across the province into the future.

Turning to another aspect of the bill, the ITPA notes that Bill 257 states that the minister may authorize a person to dig or excavate without locates if the requested locates have not been provided after 10 business days. Locates are those spray-painted markings on the ground—or they can be flags, too, of various colours; they could be red, yellow or blue, for example—that identify the presence of water and gas mains, as well as electrical and telecom infrastructure. While we appreciate the government's desire to add certainty and timelines to the locates process, we feel it is critical that locates are completed before any digging or excavation occurs in the vicinity of services such as electrical and gas. This will avoid risks to human safety as well as preventing damage to unseen underground infrastructure.

Finally, we note that many issues remain to be addressed through the regulations that will be created under the new legislation. We hope the government will move quickly with the necessary consultations and implementation of the new regulations and we will participate to the best of our ability in that process.

To conclude, our members are very encouraged by the province's commitment to the rollout of broadband infrastructure in Ontario. Thank you again for this opportunity, and we would be pleased to take your questions.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. We'll now turn to our next set of presenters, the Mississaugas of Scugog Island First Nation. It is my honour to say hello and give greetings to Chief Kelly LaRocca. Please state your name for the record and then you may begin. You will have seven minutes.

**Chief Kelly LaRocca:** Hello. My name is Kelly LaRocca. I proudly serve as the chief of the Mississaugas of Scugog Island First Nation. Good afternoon to the Chair and members of the committee. I'm here to present on behalf of my First Nation, which I'll refer to as MSIFN in short—it's a lot shorter than saying it fully.

The members of my community, the MSIFN, have lived on the shores of Lake Scugog since time immemorial and we are signatories to the Williams Treaties First Nations final settlement agreement, as well as the treaties themselves, of course. We have a long history of land stewardship and continue in that proud tradition today.

I hope to discuss our concerns with the province's failure to uphold its constitutional duty to consult Indigenous governments despite provisions within the bill which have a direct impact on our Aboriginal and treaty rights.

MSIFN and the Williams Treaties First Nations, as a collective, have repeatedly informed the province that, in addition to subverting democratic principles, the government has failed in its duty to consult Indigenous governments prior to issuing the Lower Duffins Creek MZO. Despite our multiple letters to ministers requesting that we be consulted, as is their duty, to this day the province has not conducted consultations with MSIFN nor any of the other Williams Treaties First Nations communities. We were shocked to read in media reports that the minister's spokesperson deferred that duty to the municipality, the city of Pickering. It is not their job. With respect, it is the duty of the province that in this case issued the MZO. While the municipality has admitted they did not consult us adequately, the province has, as mentioned, repeatedly ignored our requests for the consultation that we know we are entitled to under the law. This is in violation of our rights under section 35 of the Constitution Act, 1982.

These concerted attacks on long-standing planning principles transgress our rights as a First Nation and the rights of communities throughout Ontario. Schedule 3 of this proposed legislation shows that the province has chosen to, yet again, contravene its duty to uphold the honour of the crown through meaningful consultations with First Nations. As has been pointed out during debate in the chamber, schedule 3 would directly affect an MZO that impacts lands that fall within our treaty and traditional territories. The Williams Treaties First Nations have and continue to exercise constitutionally recognized treaty and harvesting rights within the lands and waters of Duffins Creek watershed. Despite these impacts, MSIFN and the Williams Treaties First Nations were not consulted prior to the tabling of this legislation.

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Through its actions, the Ford government has made it unequivocally clear to us that it has no interest in respecting its constitutional duties or the Williams Treaties First Nations final settlement agreement. Instead, it views our concerns as something which can be disregarded and bypassed by legislation hidden in a broadband expansion bill.

In recent weeks and months, the provincial government has demonstrated an utmost contempt for the democratic procedures which govern development and seek to balance the province's duty to environmental conservation. Through the use of MZOs, the government has denied Ontarians their right to determine the future of their communities through the usual process of public consultations, public hearings and the right to appeal zoning bylaw matters.

In the case of the Lower Duffins Creek MZO, there was no urgent infrastructure such as a long-term-care home or a hospital. It was issued to build an Amazon warehouse that could have been constructed on many other parcels of land within the Durham region. News outlets reported that the minister was fully briefed on legal exposure stemming



from the province's failure to satisfy its constitutional responsibilities and obligations.

Similarly, schedule 6 within Bill 229 was designed to strip the oversight and safeguards which prevent such deliberate, greed-driven destruction of land. The province has taken concerted and repeated steps to dismantle long-standing procedures which were intended to balance growth in a responsible manner.

As I begin to specifically talk about the bill in question, I do want to be clear: We don't object to the expansion of broadband Internet in general, and we definitely see the value for municipalities and for First Nations across Ontario. Schedule 3, however, has nothing to do with broadband Internet, in our view, and therefore has no place in Bill 257. The addition is another attack on established planning processes by the Ford government, in our view. We therefore unequivocally object to the inclusion of schedule 3 in this bill and its erosion of the Planning Act.

Schedule 3 is a severe overreach of government power and a desperate attempt to avoid accountability after violating existing provincial policies. The retroactive nature of the proposed legislation is not designed to satisfy the needs of Ontarians, but instead to allow the government to skirt responsibility for issuing an illegal MZO, which, again, we believe was contrary to the provincial policy statement.

Enhancing the MZO powers in response to grassroots opposition only confirms what residents in Durham, Stratford and many other municipalities already know: The government is seeking to defend the indefensible. MZOs are overused by this current government and, in the case of their attempt to pave over provincially significant wetlands in Lower Duffins Creek, brazenly misused, despite the tsunami of opposition from Durham residents, First Nations and environmental organizations throughout the province.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Chief Kelly LaRocca:** Leaving the will of communities to the sole discretion of a single cabinet minister and allowing those decisions to retroactively override provincial planning policy is unfathomable, unethical and, simply put, regressive. We believe the rules of the game should never be changed to cater to the whims of the preferred private interests, or to avoid accountability. Ontarians demand better, and we deserve better as well. It is the position of MSIFN that Bill 257 must not proceed with schedule 3.

Meegwetch. I welcome any questions.

**The Chair (Ms. Goldie Ghamari):** Thank you very much for your presentation and for joining us, Chief LaRocca. Meegwetch. I also just wanted to acknowledge this territory as a traditional gathering place for many Indigenous nations, most recently the Mississaugas of the Credit First Nation. Thank you for joining us.

We'll now turn to our third presenter, Environmental Action Now Ajax-Pickering. Please state your names for the record, and then you may begin. You will have seven minutes.

**Mr. Aidan Dahlin Nolan:** Hello. My name is Aidan Dahlin Nolan, and I'm here today with my neighbour over

in Whitby, Lisa Dost. We would like to thank the committee for hearing us today with regard to Bill 257 and, in particular, schedule 3.

Environmental Action Now Ajax-Pickering is a group of individuals engaged in civic action around healthy communities and ecosystems. We represent over 300 citizens in Pickering and Durham region, and have support from hundreds of people across the greater Golden Horseshoe area.

We understand that the purpose of Bill 257 is an act to expedite the delivery of broadband projects at the provincial level, and we understand the importance of Internet service, especially during this pandemic, for our more rural and Indigenous communities. This service has almost become a necessity for both schooling and working from home, but we do feel that, within the bill, schedule 3 must be removed, due to the fact that it further ties the hands of environmental groups, private citizens and First Nations in protecting environmentally sensitive lands.

Our members have been active on this issue since November 2020 and have organized protests, COVID-19-safe demonstrations, informational pickets, phone blitzes, mass emails and letter-writing campaigns. We are constantly talking to members of our community, to community leaders, non-governmental organizations and decision-makers from across the political spectrum. The feedback from Pickering residents and Ontarians has remained consistent throughout. They oppose the misuse of MZOs to develop environmentally sensitive areas.

In response to Bill 257, schedule 3, being tabled on March 4, we saw our community rise up. Over 300 people came out to our socially distanced, well-organized march on March 6, and we were joined by people from across the GTA and across the political spectrum who are deeply concerned about the government's actions.

Therefore, we feel it is very important to be here to speak today, to speak up for environmentally sensitive lands and waters in our communities. We wish to speak to Bill 257, with specific reference to schedule 3, as we can provide the impacts that fast-tracking development has had on the average citizen and our ability to voice consent, concerns and/or support for these developments.

All of our members are volunteers who have busy professional and personal lives beyond our group. For instance, my colleague Lisa is a travel agent who is currently out of work due to the pandemic, and I work in the area of charitable fundraising. Many of us have also devoted significant personal time and personal resources, in spite of the challenges brought on by the pandemic, to protect our local wetland.

Let us be clear: We should not have to be here. But because the government of Ontario has tied the hands of our conservation authority through Bill 229, schedule 6—in our view, breaking the law through the issuance of an MZO on a provincially significant wetland in Pickering—and now seeks to retroactively make its law-breaking legal through schedule 3 in Bill 257, we've had no choice but to organize, and we're not going away. We know that the challenges we have faced and will continue to face in

Pickering until the full revocation of the MZO is issued are similar to the challenges being imposed or those that could be imposed in the future on communities all around the province. And we know that we share a responsibility to be allies to our fellow citizens who fear the destruction of environmentally sensitive lands in their communities.

I'll now hand it off to my colleague Lisa.

**Ms. Lisa Dost:** Thank you, Aidan.

My name is Lisa Dost. Thank you for having me.

Together, our group has engaged in the planning process with respect to a minister's zoning order at 1802 Bayly Street in Pickering, Ontario. Over the past few months, we've gained unique insights into Ontario's planning process, particularly when it comes to fast-tracking development within our community. It was a difficult process to engage in when no opportunity was provided to consult citizens and Indigenous peoples on the MZO at Pickering city council before they issued the request to the province. The proposed changes to the Planning Act contained in schedule 3 would have only made this worse, by allowing ministerial zoning orders to circumvent provincial policies that have already been developed in consultation with citizens and Indigenous peoples.

We at EANAP, Environmental Action Now Ajax-Pickering, feel that the MZO in schedule 3 in Bill 257 has been a serious overreach on the government's behalf and that the government should heed its own policy statement that prohibits developments on provincially significant wetlands.

The wetland at 1802 Bayly is environmentally critical because less than 2% of the GTA's wetlands remain, 80% of southern Ontario's wetlands have been lost, and our particular wetland and its environments in Lower Duffins Creek support 403 vascular plant species, 92 bird species, 35 mammal species and 16 reptile and amphibian species.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Lisa Dost:** To be fair, there are good reasons for MZOs to be issued under rare circumstances. We also do support job creation and development if it is done responsibly.

We take issue with the possibility that once Bill 257 is passed, elected officials would be able to allow development on lands that are not zoned for development and protected under the provincial policy statement.

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These are lands that protect our water through provincial significant wetlands, these are lands that protect our air quality through environmentally sensitive zoning, these are lands that protect Ontario's rare and endangered species through critical habitat designation, and these are lands where families enjoy the outdoors and bond with nature.

No one in their right mind would think that developing them is in the public interest. This sentiment is reflected in the provincial policy statement.

The bill threatens our protected cultural and environmental lands. These lands are designated through public consultation—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That's all the time that we have for our presenters.

We'll now turn to the government for seven and a half minutes of questioning. MPP Crawford, you may begin.

**Mr. Stephen Crawford:** Thank you, Chair, and thank you to all the presenters for taking the time to be here today. We certainly do appreciate it.

At the outset, I did want to highlight and get on the record that I know it was mentioned that MZOs have been overused by this government, but I did want to, certainly, provide the government view on that. As a result of neglect, for example, in long-term care, we had 500 beds built in this province over the last decade—500 beds in this entire province over 10 years. We have an incredible shortage of long-term-care beds in this province, and we've seen what's happened in long-term care through the pandemic. So it's of critical and vital importance for the safety of the people of Ontario that we get these long-term-care beds built and built quickly. It is absolutely critical.

In my own community, for example, of Oakville, we issued an MZO to get a facility going for 512 beds. That's what the province built in a decade; we're doing that here in Oakville to save some of these older folks in this community.

So I certainly want to highlight that. I think it's important to be aware of that, the importance of MZOs. We make no apology for utilizing them more than the previous government. We've needed to do this to ensure the safety of Ontarians. Whether it's for affordable homes, long-term care, whatever, that we've used them, I think it's vitally important.

With that, I did want to perhaps ask the—I'll have questions for everyone if I have time, but I'd like to start with telecom providers. I guess, a couple of questions: First question to you is, with Bill 257, what kind of impact will Bill 257 have on rural, remote residents and First Nations communities in terms of connecting them to the world through better broadband, which is clearly lacking in parts of the province of Ontario? We've certainly had that highlighted through the pandemic.

**Mr. Jonathan Holmes:** I'll start, and then maybe I'll turn it over to Mike. We've taken a quick look through the legislation. Obviously, there are going to be a lot of details to work out in the regulation process, but I think it will make it, quite frankly, just easier and faster for rural telecom companies to string their facilities along hydro pole lines and will, assuming certain things happen, make it cheaper for them to do that as well. So, overall, I think costs will go down in rural areas and, hopefully, the application process, the permitting process, all those kinds of things, will just be expedited and make things easier, especially for smaller service providers.

Maybe I'll ask Mike to comment as well.

**Mr. Mike Lynn:** Thanks, Jonathan, and thanks for the question. We're getting to the point where fibre has been rolled out in a lot of our cities, towns and villages, and we're now at the point where we're looking at going down the county roads, where you don't have the same density that you have in the towns. So it's really important that

telecom providers can get on these hydro poles at reasonable rates, and it's also important that we've got some sort of cost certainty and not see the 100% increases that we've seen in the last five years, because that's not sustainable for broadband, going forward.

So I think Bill 257 is headed in the right direction. I think Jonathan said it right, in that it will depend on how the details go. We have seen progress on how the permitting process has worked, but it's also a cost-certainty thing as we're doing these builds, and being able to do the construction for a reasonable amount of money to get broadband further into the rural areas.

**Mr. Stephen Crawford:** Okay. And I believe in your testimony one of you mentioned about the—I guess there was perhaps some concern over the locates. Did you want to expand upon that, in terms of a safety issue?

**Mr. Jonathan Holmes:** I'll start, and then maybe Mike can answer as well. Basically, in a lot of cases, telecom service providers bury things underground. There's a lot of gas and electricity infrastructure underground. The way we read the legislation as it's proposed right now is that there may come a time where, even in the absence of a locate being provided, an excavator could be authorized, essentially, to just go ahead and dig, and would risk cutting who knows what under the ground. From our perspective as network operators who have infrastructure underground and who want to avoid fibre cuts and all the disruptions that happen as a result of that, we think there need to be locates in virtually all cases before any excavation goes.

**Mr. Stephen Crawford:** Okay. I appreciate that. I'm the parliamentary assistant to the Minister of Infrastructure, so I'm certainly involved in this legislation from a broadband perspective. It's good to hear what you have to say. The whole purpose of committee, really, is to hear what stakeholders have to say. We may or may not make amendments, but it's always good to hear to what you have to say so we can take that information back. So we appreciate that.

In terms of broadband overall, it has certainly been a priority of our government. You may have seen in the budget a couple of days ago the largest investment in provincial history in broadband. This is something we take seriously as a government. We recognize that businesses need better broadband in order to be able to compete globally. Individuals need better broadband, both for education and, of course, just to be able to communicate with their loved ones better, whether it's on FaceTime or whatever. A lot of people are using that, a lot of seniors who may never have used it before, so we need better broadband access. I think there's a big gap in northern and remote communities in particular—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Stephen Crawford:** —but certainly in parts of southern Ontario.

I guess my question would be to Mr. Nolan. In terms of the telecom component and just in terms of communication amongst First Nations and remote communities, do you feel this bill will have them have better access to information and communicate better?

**Mr. Aidan Dahlin Nolan:** I'm certainly not an expert on broadband. I'm not here to speak specifically to the broadband features in the bill. We would love to see better broadband in remote communities; we certainly support that. But schedule 3 has nothing to do with broadband, and it needs to be removed from the bill, in our view, because it allows the government to retroactively break the law, in our view.

**Mr. Stephen Crawford:** Okay. I think that wraps up my time, Chair. Thank you, and I appreciate the time.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition, for seven and a half minutes. MPP Shaw, you may begin.

**Ms. Sandy Shaw:** I'd like to start by referencing something that MPP Steven Crawford, the MPP for Oakville, said, which is this government makes no apologies for using MZOs. But I would argue that they should be apologizing a lot for using an MZO. They should be apologizing for not respecting treaties in the province of Ontario, because Ontario is a signatory to treaties that they don't respect, and they should be apologizing for not respecting other people in the province of Ontario by violating the Environmental Bill of Rights over and over again. They should also apologize to folks who really care about broadband who are here to depute about the importance of broadband but may not understand that this bill has been tainted by the inclusion of schedule 3, which has absolutely nothing to do with broadband.

Having said that, I'd like address my question to Kelly from the Mississaugas of Scugog Island First Nation. There's absolutely just a horrible track record of this government not respecting treaties, not consulting, I would say, given the way that they are issuing MZOs on provincially protected wetlands. Can you tell me, particularly in your area, if you think that there are any environmental protections left once this bill gets passed?

1330

**Chief Kelly LaRocca:** Hello. Just to put it simply, no. I think that this lends great cause for concern to First Nations across the province for obvious reasons: that an MZO could be issued at any given time, without consultation, without notice, just to satisfy needs such as an Amazon warehouse. That's a far cry from long-term care, as the honourable MPP had referenced.

I do think, again, to reiterate Mr. Nolan's point, schedule 3 has nothing to do with broadband. I do want to be clear again, as I mentioned in my presentation, we don't object to the expansion of broadband Internet, certainly, in our remote and northern communities that so desperately need it. But we think that an MZO is a far cry from consultation and completely ignores it. The communities in the north would want adequate consultation just as much as we do here in the south, in the Williams Treaties territory.

I can say that as part of the Williams Treaties final settlement agreement—that final settlement was reached after 30 years of ongoing talks, of ongoing litigation, and much toil, blood, sweat and tears, and money went into that. At the end of the day, the provincial government did

commit to recognizing and protecting the constitutionally protected pre-Confederation treaty rights within Williams Treaties First Nations territory, and that includes the Gunshot Treaty, of course, which is where the Duffins Creek is located. I'm very much alarmed at whether this government will at all ever respect the Williams Treaties final settlement agreement and the obligations and duties therefrom.

**Ms. Sandy Shaw:** We share your fear. Their track record will show that this government will not respect those treaties.

But I just wanted to focus a little bit on where your territory is located. Essentially, you're between Lake Simcoe and Duffins Creek as well. There's a lot of concern about the watersheds that run through that entire area. There's concern that the Lake Simcoe Protection Plan is going to be watered down or some of the protections will be taken away. There are increased phosphorous loads in Lake Simcoe, and then there's talk about the Upper York sewage plant that is not being made transparent, and there isn't clear consultation.

Can you share with us if you have any sense as to whether those impacts on the environment that's in and around the watershed that flows through your territory would be something you would like to be consulted on or is something that you're concerned about?

**Chief Kelly LaRocca:** We are most definitely concerned, and we most definitely expect consultation on those issues. I can share that, from a Williams Treaties signatory perspective, there are seven communities. Each of our First Nations are inundated with consultation requests about various things, from road widening to bridge repair to Darlington nuclear expansion and the like, yet I'm in shock why this isn't coming to the table in a similar fashion.

But I can say it's very difficult. It's taxing on the First Nations to have the human resources and capacity to respond and address all these concerns, such as the ones you've mentioned, like the Upper York sewage pipe issue. I can say that as Williams Treaties signatories, we tend to try to, I guess, pinch-hit for each other, in that I'll typically deal with concerns that are more southerly located. I know Georgina Island has been trying to be very active in concerns regarding Lake Simcoe, so certainly, they would appreciate any opportunity to be heard on that as well.

**Ms. Sandy Shaw:** Thank you very much.

Chair, how much time do I have left?

**The Chair (Ms. Goldie Ghamari):** Two minutes.

**Ms. Sandy Shaw:** Two minutes? Very quickly, I'm going to go over to Aidan. I just want to say that the important thing that you've mentioned about all of this is—you are what we call an average Ontarian, an average citizen, who has been outraged by this assault on a precious wetland.

I will also tell you that I'm from Hamilton. This picture back here is the Cootes Paradise, where we also had 24 billion litres of raw sewage that went into that protected wetland, so we understand here in Hamilton that everyone has a responsibility to stand up and protect these wetlands.

What you've done is unprecedented in terms of mobilizing the community and the success you have had. But we had the Minister of Natural Resources and Forestry get up in the House and say, "If you don't like schedule 3, just pretend it's not in the bill." He actually even tried to rip it out of the bill. Can the people in your community pretend that schedule 3 is not in this bill?

**Mr. Aidan Dahlin Nolan:** No, we can't pretend that it's not in the bill, because it is in the bill—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Aidan Dahlin Nolan:** We have no interest in denying reality. As average citizens, we have to deal with reality, as it's presented to us, in all its complexity, and the reality is, schedule 3 is an assault on all protected lands in Ontario. Who's to say that if schedule 3 were to pass—the way I understand and read the bill is that with the stroke of a few pens, you could do an MZO in Algonquin Provincial Park. It threatens all of our protected lands in the province.

Certainly, I don't think average citizens will stand for it. We're going to be organizing with people across the province, should schedule 3 remain in the bill. We're not going away. We're going to fight every step of the way, with every means at our disposal, because our protected lands are our protected lands. The government shouldn't think it's going to get away with this. We have busy lives, but our lands are our lives in so many ways.

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have for this round.

We'll now turn to the Green Party member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Thanks to all three presenting groups for coming today and sharing your time with us.

I'm going to begin by asking a few questions to Chief LaRocca. First of all, I just want to preface by saying I really appreciated you taking the time to meet with me previous to today and just sharing why the Duffins Creek wetland is important to the Mississaugas of Scugog Island First Nation and just sharing your wisdom with me about why it's so important to protect wetlands. I just want to express my gratitude for that.

I want to begin by asking—and I can appreciate, after 30 years of negotiating around the Williams Treaties and all the notices to consult that you receive, how much pressure that puts on you—but I do want to ask, did you receive a notice to consult on the Lower Duffins Creek wetland?

**Chief Kelly LaRocca:** Sorry, can you hear me okay?

**Mr. Mike Schreiner:** Yes.

**Chief Kelly LaRocca:** Okay; sorry. I was just confused there for a minute.

No, we did not.

**Mr. Mike Schreiner:** You did not.

Did you make efforts to reach out to the government to inform them of the duty to consult and your, I guess, wish to be consulted?

**Chief Kelly LaRocca:** Indeed, yes, we did, on numerous occasions.

**Mr. Mike Schreiner:** Did you receive any response to the request to consult?

**Chief Kelly LaRocca:** We received confirmation of receipt of the letter, and we also were informed that the duty to consult had been downloaded to the municipality of the city of Pickering, which is not how it works. It's not how it—

**Mr. Mike Schreiner:** Yes, of course.

**Chief Kelly LaRocca:** —appropriately and properly operates under the law, according to the Supreme Court of Canada, anyway.

**Mr. Mike Schreiner:** Yes, exactly. I appreciate you sharing that. One of the things that is contained in the provincial policy statement is a restatement of the province's duty to consult. It's right in the PPS. Are you concerned that the government has a schedule in this bill that essentially exempts MZO from the PPS and how that might affect other instances where the province has a duty to consult?

**Chief Kelly LaRocca:** I'm extremely concerned. I think that it's an attempt to legitimize MZOs, and this particular bill is an attempt to legitimize past unlawful decisions, but also an attempt to get out of its obligations, the province's obligations under the Planning Act. I think the irony is that while First Nations' rights were at one time considered very inconvenient for mainstream society, this MZO issue has united us. I think that Ontarians are feeling the grind and the discomfort of what a government can do when it seeks just to legalize the illegal.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Chief Kelly LaRocca:** Unfortunately, they feel what it feels like to be—what the Williams Treaties First Nations feel like on some level. We are absolutely honoured to have allies in this dispute, but, yes, it's been quite a long time. I think that the government ought to live up to its obligations it signed on to through the Williams Treaties final settlement agreement.

1340

**Mr. Mike Schreiner:** Yes. You're not the first person to say that this really attempts to make something legal that is illegal. How do you think this affects the reconciliation process?

**Chief Kelly LaRocca:** I think it is a slap in the face or flies in the face of the reconciliation agenda that has been really highlighted since the final report of the Truth and Reconciliation Commission and the, I think, 96 calls to action. It flies in the face of the spirit and intent and the letter of that final report and all the commitments that—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. My apologies for interrupting. We'll now turn to the government for seven and half minutes. Who would like to begin? MPP Smith, you may begin.

**Mr. Dave Smith:** Chief LaRocca, I'm not actually sure if you and I have met in the past. I don't believe you were at the meeting that we had in Selwyn with the Mississauga nation about the duty to consult. So, I'm sorry, I don't think we have met in the past.

One of the things that came up at that meeting was some of the challenges around the duty to consult. I don't want

to sound like I'm throwing any First Nation under the bus; that's not my intent at all at this. Really, what started that entire conversation was some of the challenges around the duty to consult with the Huron-Wendat and some of the challenges that different groups have faced, thinking that they have done an appropriate consultation but they were not consulting with the treaty rights holders in the area of that actual treaty. Again, I don't want to sound like I'm throwing anyone under the bus. There are challenges, especially for some of the municipalities, on that consultation process.

One of the things that came out from that meeting was that there was a desire to start a process whereby anyone who was part of the Mississauga nation, anyone who was a treaty holder in the Williams Treaties area—we would end up with a central repository then where all of the duty-to-consult requests would come through and then would be divided out from there. Are you aware of that project to start with?

**Chief Kelly LaRocca:** Just to respond: Sorry I wasn't at the Selwyn meeting. I have about 40 meeting requests a day and I can't meet all of those challenges, but I would have been pleased to meet you.

I can tell you I am aware of a proposed project to have a central repository for consultation requests with respect to the Williams Treaties First Nations signatories. Of course, you've mentioned the perspective of the provincial government that there are challenges to consultation when conflicting claims arise through different cultural groups of Indigenous peoples.

But I can tell you that the historians, on behalf of the province, that took great care and attention to the Williams Treaties First Nations final settlement agreement, acknowledged the different groups that historically pass through the areas that are the subject of the Williams Treaties final settlement agreement and, certainly, the final settlement agreement reflects an agreement with the actual rights holders. And so, it is our position that that is to whom the province owes their duty of consultation.

**Mr. Dave Smith:** And I'm not suggesting that there isn't a duty to consult. I'm simply pointing out that there are some challenges that I wish we had a more direct way to address. I'll point to one in particular that is close to my riding—it's not part of my riding—that is, the Serpent Mounds in Hiawatha, where one of the ancestors as well as a number of the different artifacts are currently held at the ROM. The Huron-Wendat had put a claim in on it. Because of that, the ancestor has not been repatriated and reburied. There are some challenges around some of the artifacts themselves because of the age of them.

Really, where I'm going with it is that I think a lot of the duty to consult could be simplified if we could get to a position where we don't have as much conflict on some of these things as we do. I'm really hoping that over the next few years we'll be able to get to a position—especially when talking about the treaty rights in different territories where we recognize that there are different First Nations who have come through at different times. One of the challenges that all of the historians have is there isn't a

written record on a lot of this, and sometimes an organization believes that they have gone through the appropriate consultation when in fact they have consulted with the wrong group. This is where I think we need, as an entire entity—not just the government of Ontario but all of the treaty holders, all of the rights holders—to come to a position where we can find some way of having that commonality.

One of the suggestions, again, from that meeting with the Mississaugas was perhaps in the treaty area itself. The treaty rights holders would be the ones who then would make the decision that we should be bringing in this other First Nation, who may not have a treaty right here, because they were here for a very large number of years, which is short in terms of the history of Canada, the history of this land, but is long in terms of our lifespans. Again, I come back to the Huron-Wendat as a specific example because I do know the history where the Huron-Wendat were protected by Mississaugas for a great number of years, and now there are questions on whether or not they should have as much consultation as they are asking that they have.

I'm looking for a little bit of feedback from you on that. Do you think that we can get to a position where we will be able to have the rights holders to a treaty area as the master of the consultation, allowing them to make the decision on other First Nations that should be brought in on a consultation for it? Do you think we can get to that position at some point?

**Chief Kelly LaRocca:** Gosh, I wish I could solve all these issues right here in this particular committee meeting, but I can't. The duty of consultation is, of course, owed by the province, and so it's the province's duty to figure out with whom they're going to consult.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Chief Kelly LaRocca:** Again, I only have the treaties themselves to refer back to, as well as the final settlement agreement, as to who are the appropriate treaty rights holders within a given area. That's what I'm going to be sticking to. It's really not the Williams Treaties First Nations' role or job to be deciding who should be consulted and who isn't. There is a broad-based level of consultation. We have our belief and position, of course, on who is owed a duty in our treaty area. But it's on the government to figure that out and, of course in consultation with the First Nations, to figure out, is the matter an issue of archaeological consultation and preservation of archaeologically important items or remains; or is it an issue of treaty rights to land—and then argue, where an issue, Aboriginal title, because those are two very different things that we need—

**The Chair (Ms. Goldie Ghamari):** Thank you; my apologies. This concludes this round of questions. We'll now turn to the official opposition for seven and a half minutes. MPP Shaw, you may begin.

**Ms. Sandy Shaw:** It's hard to know where to begin. Chief LaRocca, somehow I feel I owe you an apology on behalf of the Legislature, because you are absolutely right; this is not what this consultation is about. Perhaps MPP

Smith, if he wanted to be a chief magistrate with the Supreme Court to determine how and when and what the duty of consultation means, that would be a career path that he might want to choose. I'm so sorry that you had to witness this.

I cannot help but say, just last week, we had a Premier who also did not seem to understand the circumstances and the facts of Indigenous communities when he said that MPP Mamakwa went to a community where he didn't belong. MPP Mamakwa had to explain that this is his experience in this Legislature: colonialism, racism and oppression.

I cannot help but say this because everyone here is a witness to the complete—let's just call it a misunderstanding of what Ontario is a signatory to. It's not up to individual chiefs like yourself to tell the government how to do the job that they are responsible for doing. So I want to apologize for that on behalf of, I would say, certainly the opposition.

My question, again, was about the lack of consultation. I particularly would like to talk about, for example, water rights and water extraction. Too many First Nations communities are on boil-water advisories. Neskantaga—I think it's 25, going on 30 years with a boil-water advisory. At the same time, we have corporations like Nestlé that continue to have water extraction permits. In fact, the Six Nations will say that they're extracting water without consultation and without permission from Indigenous territory.

**1350**

What is your response to MPP Smith, who doesn't seem to understand that you don't need to keep saying that you have a right to consultation, and that what you're doing is defending our natural resources on behalf of your community and on behalf of all communities in the province of Ontario?

**Chief Kelly LaRocca:** We have been defending lands since time immemorial, and we'll continue to do so. It's really a question of resources at this point. Colonialism and colonial policy has prevented us from having the resources required in order to do that defence work for the land. We're in a position, as First Nations, where we have to pick and choose where our resources can be best directed and what is, of course, most urgent. As First Nations, we live under the tyranny of the urgent in our response to what is and is not a priority issue of the day.

I can say that the duty of consultation as it has been set out by the Supreme Court is very clear. It's owing under section 35 of the Constitution. However, they didn't really set out the fulsome detail of its implementation. That's why we're all in this pool, swimming together, trying to figure out how to best implement that duty. Of course, there are challenges concerning conflicting claims. I acknowledge that, but we're not the ones who have implemented colonial policy and done the settlement of Ontario in the way that it has been done. So we look at that as a responsibility of the province—in order to know who it's consulting with. Again, we are the treaty rights holders, and we maintain that throughout and always will.

**Ms. Sandy Shaw:** Aidan or Lisa, what do you say to a government that seems to be going in the opposite direction of the world when it comes to climate change, when it comes to the things that we need to do to protect our natural heritage? We just had a Supreme Court decision come down to say that cap-and-trade is constitutional. This is a government that spent \$30 million fighting this, rather than investing in climate change. They're going in one direction and the whole world is going in another. What do you have to say to the government about this unwise choice?

**Ms. Lisa Dost:** Thank you for the question.

I do think that paving over wetlands is one of the contributing factors to increasing our temperatures. We need all our wetlands to help with the fight for climate change. It's an escalating problem, and it has not been addressed, in my opinion, by our provincial government. We do need them to step up and protect our environmentally sensitive lands.

We feel that we've lost our voice, as a community volunteer group. This has been a non-stop issue for the last 33 days. It has been a fast-moving target, to try to stop this train. It has been something I've never seen in my lifetime, being an activist for 40 years. What our government has proposed with schedule 3 in this bill is unbelievable, and it has to be removed. We have to have some rights within our environmental lands. We have to protect them. We're the last stand. We're the voice of the lands.

**Mr. Aidan Dahlin Nolan:** I would also say to the government that you're missing a tremendous opportunity. You're setting our communities back by not getting on top of this—whether it's falling behind in renewable energy, whether it's recognizing the carbon capture potential of our wetlands. I mean, if anything, maybe the government should be considering—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Aidan Dahlin Nolan:** I know that the holder of the lands at 1802 Bayly is a contributor to the Conservative Party. Maybe give them a grant for restoring the wetlands and help that company restore those lands to the condition that they could be in. That's an important opportunity for the Ontario government. Let's get on this.

We are going to get to a point as a global society where the value of wetlands will be recognized and will be able to provide—it already does provide an enormous economic benefit in terms of—MPP Schreiner will certainly have, and so will you, MPP Shaw, the figures at your disposal as to the economic value provided by wetlands. You're missing a tremendous opportunity. I would say to the government of Ontario, please, please, please turn this around. We don't want to be behind other economies—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round. We'll now turn to the independent Green Party member for four and a half minutes. You may begin.

**Mr. Mike Schreiner:** Chief LaRocca, I just want to ask a couple more questions. Just to be clear, the government failed to consult on the original proposal for the development of the Amazon warehouse and the issuing of the

MZO on that. They also haven't consulted just on schedule 3 in general, and it's your belief, given the fact that in the PPS there are provisions around the duty to consult—and, in many respects, the PPS is almost like the bare minimum protections for essential features such as provincially significant wetlands—that the government should consult on that; and I don't want to put words in your mouth, but that really, this schedule should be, at the very least withdrawn—I think it should be withdrawn, period, but at the very least, withdrawn until they have consulted?

**Chief Kelly LaRocca:** Indeed. We have not received any consultation with respect to Duffins Creek or Amazon, and we have not received any consultation with respect to schedule 3 or Bill 257 in general. So I can confirm that. And yes, I think they should, as I mentioned before, just remove schedule 3 in its entirety.

**Mr. Mike Schreiner:** Thank you. I appreciate your time today.

I'm sorry; I'm probably not going to get to the independent telecom providers association, but I just want to thank you for your good work to try to spread broadband across the province. I fully support that and wish we had some time today for that conversation.

I do just want to ask Environmental Action Now, either Lisa or Aidan, as residents of the area, what motivated you to organize protests, volunteer your time to speak out and come to committee? What's the risk that you're trying to speak out on, both related to the Amazon warehouse on the wetlands and schedule 3 of this bill?

**Ms. Lisa Dost:** Go ahead, Aidan.

**Mr. Aidan Dahlin Nolan:** Okay. Well, I'll just say that what motivated me on a personal level is that I'm hoping to start a family one day very soon. I want my future child's world to be livable by the time they're my age, and that's certainly under threat right now. I know that in terms of the climate modelling, as we move forward in the GTA, there will be more rain; there will be more storm events. Certainly I've seen the city planning documents in the town of Ajax that show large portions of south Ajax sitting on a historic flood plain.

It costs a lot of money for residents to deal with a flooded basement, and that's not something that they should have to deal with if the government can do something about it. The government is supposed to be helping citizens, helping average citizens. Instead, what we see is them helping corporations. We support business, we support jobs, but we have to do it responsibly, and there are ways to do it responsibly, so why not do them?

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** I appreciate you sharing that. Lisa, could I just really quick—this schedule takes away your constitutional right to seek a judicial review if a development comes forward that threatens what you've just described, Aidan.

1400

Lisa, how does that make you feel?

**Ms. Lisa Dost:** I think we've worked long and hard to have the MZO revoked, and it was just another slap in the face on March 4, when they tabled schedule 3 in Bill 257.

I woke up in a panic, for sure. I thought, “What are we going to do now?” The people stood up and protested safely, and I think that the voices of the Pickering people were heard—

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That’s all the time we have for this round.

I’d like to thank our presenters. At this point, you may all step down.

HAUDENOSAUNEE  
DEVELOPMENT INSTITUTE  
ECOJUSTICE

WELLINGTON WATER WATCHERS

**The Chair (Ms. Goldie Ghamari):** We’ll now turn to our next group of presenters, starting with Haudenosaunee Development Institute. You have seven minutes for your presentation. Please state your names for the record, and then you may begin.

**Mr. Aaron Detlor:** Thank you to everyone on the committee. My name is Karihwahyontari. I also go by Aaron Detlor quite often. I’m a lawyer, and I’ve been practising for something in the range of 25 years. I’m also Mohawk, and I’m from the Tyendinaga of the Bay of Quinte. I’ve been working with the Haudenosaunee Confederacy Chiefs Council for the past 15 years with respect to the implementation of a process to advance the goals of reconciliation.

We were presented with some information that the current government of the province of Ontario had initiated the MZO with Duffins, and we got involved in that particular process.

Today, really, we’re here to discuss whether or not schedule 3 of the current bill advances the goals of reconciliation. I have some deep-seated concerns that the approach the government is taking today is going to increase the risk of conflict and that it obviously would diminish the ability of two very significant aspects of Canadian political life, i.e., Indigenous people and provincial governments, to come to some kind of reconciliatory process. With respect to schedule 3, as you’re all familiar with, it attempts to exempt ministerial zoning orders from the application of the provincial policy statement. I know there have been a number of different sections cited, but actually, within the PPS 2020, it says, “Planning authorities shall engage....” So we’re now backing away from that position. In effect, in my submission, we’re trying to create a Constitution-free zone. We’re trying to create an area over the breadth and width of Ontario that seems to ignore section 35 of the Constitution Act, all of which is being done without any kind of “notwithstanding” process.

As I heard earlier in some of the discussions and submissions, the PPS is the floor, not the ceiling, in terms of what type of engagement may be necessary. Quite frankly, I’m deeply disappointed that this current government, despite enormous lip service with respect to how it was going to approach Indigenous relationships, has

chosen to, from my perspective, completely ignore Indigenous peoples, ignore Indigenous rights, and ignore the lasting impact those steps are going to take upon Indigenous people and their rights to their land.

At the end of the day, we’re asking for schedule 3 to be withdrawn from the legislation in its entirety. I think that type of step is important signalling to the Indigenous people of Ontario that the province is going to take them seriously.

Because I’m a lawyer—I’ll go back a little bit. There is a limit to what you would call consultation and engagement within the context of legislative drafting. There have been a bunch of recent decisions that have limited the obligation of the legislative branch to engage Indigenous people with respect to purported legislation, such as we have here. But with that said, where it’s blatantly obvious and clear that the legislation is going to have an impact on treaty rights, it would seem to behoove the government of the day representing the crown to take those steps to have some modicum of engagement, which is completely lacking here to date.

If this schedule goes through, for example, we’re left wondering how and when the crown is going to engage, because the presumption seems to be now with the Duffins Creek—I actually was down at Duffins Creek. I walked around; I saw the wetlands; I saw some turtle nesting areas. As it stands now, if I’m a Greek billionaire, I get Amazon or some type of development built there. But if I’m an Indigenous person who’s had 40,000 years of use and established treaty rights by way of the Nanfan Treaty, then I’m completely ignored. How do I reconcile those two different approaches that the crown is taking?

Now, since the crown did no consultation whatsoever before the ministerial zoning order, quite frankly, those ministerial zoning orders are questionable. If I was a developer or if I was financing a developer or if I was insuring a developer, I would ask them, “Was there engagement with First Nations?”

I spent 10 years sitting at the Caledonia negotiation table. I spent 10 years negotiating with the province and the federal government with respect to how issues like Caledonia arise and how we can deal with them going forward. This is exactly opposite of every single recommendation that came out of that negotiating table.

I’m not trying to foment unrest, but this is exactly the kind of thing that will happen. You’re going to get a ministerial zoning order and you’re going to get a bunch of people who are going to say, “Hey, you never engaged with us. We’re going to go down there and make sure that you’re aware of our rights.” Before that happens—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Aaron Detlor:** —as a lawyer, I’m going to write to the insurance companies who are insuring that project and I’m going to write to the banks that are financing that project and I’m going to say, “There was zero engagement by the crown.” They’re going to go back to their lawyers and say, “Whoa, whoa, whoa. This is a big problem here. We’re not going to take that risk.”

So if the goal is to put the province back on track in terms of economic development, this is the worst thing



that you could do—the absolute worst thing you could do—because I don't know any insurance company that's going to insure this type of risk.

Those are my submissions, subject to your questions.

**The Chair (Ms. Goldie Ghamari):** Thank you very much.

We'll now turn to Ecojustice. Please state your names for the record and then you may begin. You will have seven minutes. Thank you.

**Ms. Laura Bowman:** Thank you. My name is Laura Bowman and I am a lawyer with an organization called Ecojustice. We provide legal representation to environmental organizations, First Nations and community members, and we are Canada's largest environmental law charity, with offices across Canada. We appear before all levels of court on environmental matters, in particular judicial reviews of unlawful administrative decisions under environmental laws.

I currently represent Ontario Nature and Environmental Defence, who you've already heard from this morning about the extremely important policy issues arising from schedule 3. I represent those organizations in the ongoing judicial review of the minister's zoning order in Duffins Creek. I'm available to answer questions about MZOs more generally or that specific MZO. However, I'm here to talk to you today about the unconstitutional aspects of schedule 3 of Bill 257. I have raised two such issues in my written submissions to the committee, including Aboriginal rights issues, but I'm going to be speaking today about the one that directly affects my clients: the aspects of schedule 3 that apply to past minister's zoning order decisions.

The deeming clause in schedule 3 would deem the requirement for zoning orders to be consistent with the provincial policy statement to never have applied. This deeming clause purports to impact all past decisions of the minister to authorize MZOs outside of the greenbelt. It is clear that this deeming clause anticipates that there were past decisions to enact MZOs that were unlawful. They were unlawful because they were not consistent with the PPS, as is required by subsection 3(5)(a) of the Planning Act. If there were no such past unlawful decisions, then the deeming clause in schedule 3 would not be required.

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One such decision is currently before the courts, in Duffins Creek. This matter clearly forms part of the factual context for the proposed enactment of schedule 3. It is not a coincidence. Indeed, the parties relied on Bill 257 in their response to my client's motion for a stay in that proceeding.

It is unconstitutional for the provincial Legislature to enact legislation that purports to legislate the outcome of my client's judicial review. Section 96 of the Constitution Act, 1867, reserves determinations about the legality of ministers' decisions under the Planning Act and other acts to the courts through the constitutionally protected function of judicial review. The impropriety of changing laws applying to past administrative decisions is obvious, as it would encourage unlawful and arbitrary decisions from

ministers of the government under public statutes, unlawful acts that could be undertaken with the confidence that the majority-controlled Legislature will change the rules of the game to frustrate judicial review by the courts.

Ministers must comply with the laws of the Legislature that apply at the time a decision is made. They must not act unlawfully on the expectation that the Legislature can change the law later. If they were to do so, then none of your laws would have any meaning.

This Legislature must not enact deeming clauses that purport to legitimize unlawful exercises of ministerial or other administrative discretion. If it does so, this is a rejection of the fundamental constitutional separation of powers between the Legislature and the courts, and it would represent a fundamental rejection of the rule of law. Instead of rule of law, we would have rule of the executive. That is what is before you today in schedule 3, and that is why schedule 3 must be removed.

Fundamentally, the appearance given by schedule 3 is that the Legislature endorses unfettered discretion for the minister to interfere with planning decisions in the province. This is not constitutionally permissible. All statutory discretion has limits. It doesn't matter what policy objectives you seek to advance, all zoning orders must be authorized within the purposes of the statutory framework in the Planning Act. Those purposes are brought to life by the PPS. To put it more clearly: You cannot give the minister total discretion over zoning orders. You, as legislators, have a responsibility to respect the limits of your constitutional authority.

One such limitation is on interference with the legality of decisions that have already been made, particularly where those are before the courts. Another such limitation is that you cannot give absolute and unfettered power to the minister. The minister must comply with the Planning Act. I urge you to take that responsibility seriously today and to remove schedule 3.

Thank you. I'm happy to answer any questions about the Duffins Creek MZO or the litigation or MZOs more broadly in how they apply to wetlands.

**The Chair (Ms. Goldie Ghamari):** Thank you very much for your time.

We'll now turn to our third presenter, Wellington Water Watchers. Please state your name for the record, and then you may begin. You will have seven minutes. Thank you.

**Dr. Robert Case:** Good afternoon. My name is Robert Case. I am, as stated, a volunteer on the board of directors of the Wellington Water Watchers. I've got to say, I don't have a lot of legal or technical additional analysis to bring, but I do bring a perspective from a growing constituency of our membership of several thousand people from all across Ontario.

Personally, I like the idea of expediting broadband projects of provincial significance. That's a cool idea, but I did think it was necessary to come forward, on behalf of Wellington Water Watchers, and ask other people, why is this schedule 3 in this bill? I agree it should be removed and either rejected outright or at least brought to public scrutiny in its own right. I would encourage any MPPs,

opposition or Progressive Conservatives—anyone who actually puts democracy, their constituents and their local environments ahead of party donors and corporate profiteering, you should vote this bill down if it does make it past this stage.

Wellington Water Watchers has seen tremendous growth, actually, in our support and with engagement in our organization recently and from a wider and wider range of people and communities all around southwestern Ontario, people who it seems are starting to wake up to the ways in which local decision-making powers and environmental protections, including things like the powers of conservation authorities, are being dismantled by this government, and in the case of our newer supporters, by the government they actually voted for.

We know that the proliferation of the MZOs under this particular government is extremely controversial, at least when people outside of city council and some ministerial offices hear about it. People don't like it. I know the official line from the government is that the government is trying to reduce "red tape" in order to facilitate economic development and recovery from COVID, but scientifically supported environmental protections and democratic accountability, such as through public hearings associated with a sound filing process, are not red tape; that is the basis of democracy and good governance. By passing this bill with schedule 3 snuck into it, you'll be telling constituents and people in Ontario that you don't really care so much about all that democracy and environmental protection stuff.

The proliferation of MZOs recently, including the issuance of an MZO in contravention to existing environmental protections, as appears from a layperson's point of view to have happened in the case of Duffins Creek, does not help to give the people of Ontario any confidence that local community input and environmental protection are a priority at all to this government. And now with schedule 3, the government is proposing not only to double down by giving more power to government to cut the community level of the public process out of municipal planning—and to double down by giving government more power to override environmental protections that are inconvenient to the developer friends of PC Party fundraisers, it would seem—but you're proposing to make these changes retroactive. It's absurd. It is absolutely absurd.

Everyone around this table knows as well as I do how controversial these MZOs are becoming in this province. If you truly believe that schedule 3 is necessary, then take it out of this bill and give it a full-on public hearing. Sneaking it in here, pushing it through under the cover of faster broadband, will certainly be interpreted as evidence that those who vote for it care more about corporate profits and party fundraising than they do about Ontario's environment and what Ontarians actually think and want.

That is my position, and I am open to questions.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. At this point, we'll now turn to the independent Green Party member for the first round of questions. MPP Schreiner, you may begin. You have four and a half minutes.

**Mr. Mike Schreiner:** Thanks to all three presenters for taking the time to share important information with us.

Rob, in your case it's always good to have a constituent come to committee. I hope you don't mind; I'm going to direct questions to the other folks first, mostly because I asked some earlier presenters some legal questions, and they said, "Wait till some lawyers come to committee." So we've got two lawyers here that I want to ask some questions of.

I think I'll start with the Haudenosaunee Development Institute. Aaron, I was having a bit of a conversation with Chief LaRocca of the Mississaugas of the Scugog Island First Nation about this in the previous round of questioning. My concern, and you seem to have outlined this, is that schedule 3 violates the Constitution and potentially section 35 rights, in particular because the Planning Act says that government shall engage in consultation, and in the case of the Mississaugas of the Scugog Island First Nation, they were not consulted on Duffins Creek.

But schedule 3 seems to continue a pattern, my concern is, and I'm wondering if you can elaborate on this, of a lack of intent to consult on a number of potential development proposals through the use of MZOs. Am I accurate with that, or can you elaborate and educate me and the committee on that?

**Mr. Aaron Detlor:** Thank you very much for the question. I can indicate that the source of the duties that we're talking about, the source of this reconciliation—I'm going to call it "the source of getting along." We're informed by our treaty relationship to get along. Underneath the Constitution is, "How are we all going to get along?" We can call it duty to engage, we can call it honour of the crown, we can call it any number of things, but it's really, how are we going to get along in this process?

The first step in that is to communicate and to openly listen and hear and get feedback from people, and that's an obligation the crown has, called the honour of the crown. The crown, including the province of Ontario, including this current government, has the obligation, where it knows by way of actual knowledge or constructive knowledge, and here, we know for sure—on Duffins, for instance, the Mississaugas have advised that there's an interest there that's going to be impaired, the Haudenosaunee have advised that there's going to be an interest that's impaired. So the crown has knowledge, both real and constructive, of the Indigenous interest. They're then lawfully obligated, as part of the common law and constitutional law, to sit down and have a discussion.

**1420**

That's the problem with the government's conduct to date—they haven't even notified, and secondly, they're now pressing ahead with schedule 3. All of that is to say that the inference that could be drawn is that the government of Ontario is undertaking bad faith. We're right up against bad faith now, and that's a significant legal implication for the province that I don't think they have come to grips with.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Aaron Detlor:** The fact that you haven't even notified puts them squarely in a very vulnerable position.

I'll go back to it again: If they're in a vulnerable position, then the people who are trying to finance these projects are going to be in a vulnerable position. They're not going to get financed. They're not going to get insurance—there's insurance that comes in with respect to financing the risk on these projects. Simply, people are going to start walking away from it unless the government of Ontario gets its act together.

**Mr. Mike Schreiner:** I'm probably out of time; right, Chair?

**The Chair (Ms. Goldie Ghamari):** Twenty-five seconds.

**Mr. Mike Schreiner:** Thank you, Aaron, for sharing that. I think 7 p.m. is the deadline for written submissions. I would encourage you to elaborate more if you have an opportunity, because these are really important implications—what you've brought to committee.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the government. MPP Wai.

**Mrs. Daisy Wai:** I want to say to all three presenters, thank you for your presentations. I share what you were saying. I'm not a lawyer, but I have a passion for the greenbelt as well.

I just want you to know that in this bill that we are going to do, we are having that commitment of not touching anything that is—we will not permit the development of the greenbelt. Plus, even with the MZOs that come to us—we have nine of them that we denied because they asked for permission to develop the land inside the greenbelt. Not only that, just recently, we committed to expand the size of the protected area. I can understand that you are worrying about this. We have that passion—we want to make sure we protect the greenbelt, which is why our government has already made that commitment.

I realize that some of you have a concern about the MZOs. Actually, that is not a provincially owned initiative. It would have to be something that comes up from the municipality, and then we'll look into it—and even with that, we will see if we will go for it or not approve it. As I said, we have nine of them that we have turned down, that we have denied. If you look at the previous Liberal government, there are 17 times that—they removed 370 acres of greenbelt lands. So I just want you to have that comfort that we understand and we're going to work with you.

We respect that our municipalities know their own areas a lot better, and all the constituents there, the stakeholders, what they need, than we as the province know, which is why we will only accept it from the municipalities that come to us with a letter, with what they see is workable.

I'm happy that all of us agree and see that doing this expansion of the broadband is something that we need and that we want to do it. From what I'm seeing—I heard a lot of responses after the budget presentation, when a lot of people responded to me about broadband and said, "This is the way to go." It is not only expanding the economy and developing it faster—actually, once we control the pandemic, the sooner that we can get our economy up to speed, we will be the winners, not just in Canada, not just

for Ontario to be successful, but around the world. We have the commitment to take our Ontarians and be successful out there. You get our promise that we will keep what we have promised to you, and we will only do something when the municipality asks for it, and even with that, we respect the greenbelt and will work very hard on that.

I hope that will settle a lot of the uncertainties out there. Don't get us wrong. It's nothing to do with any—the whole decision is totally non-partisan. I heard something said about if it is something we want to do because of our party. I want to do it to help somebody. We just want to help all Ontarians, help us to be more successful out there as we develop our economy. Yes, we're going to work with you, together. Thank you.

**The Chair (Ms. Goldie Ghamari):** Before the witness response, I would just like to remind all members to limit your gestures because you are visible on the Zoom call. I would ask all members to maintain decorum, because even though we are not in the committee room, this is still an official committee. So kindly refrain from making any gestures.

Yes, MPP Shaw?

**Ms. Sandy Shaw:** I just want to make clear that I actually was refraining my gestures.

**The Chair (Ms. Goldie Ghamari):** Well, I would request that you try harder to refrain. Thank you, MPP Shaw.

We'll now turn to the presenter for a response.

**Dr. Robert Case:** Thank you for your political, empty-sounding words. I'm just responding to what people are reacting to on the ground, the evidence of the recent history. I'm not talking about a Liberal government; I'm talking about current government.

I guess what I'm saying is, if you're that confident that this is good for the people of Ontario, take schedule 3 out and let's take it to the people of Ontario. Do it now or do it in a year and a bit from now. Broadband is one thing. The development policies of this government have not been good for local democracy or the environment. If you think I'm wrong, take schedule 3 out and bring it to the people for a full consultation.

**The Chair (Ms. Goldie Ghamari):** Further questions? MPP Crawford.

**Mr. Stephen Crawford:** How much time do we have left?

**The Chair (Ms. Goldie Ghamari):** We have two minutes and 20 seconds.

**Mr. Stephen Crawford:** I guess I'll carry on. I certainly do want to highlight the fact that we've had a serious issue in Ontario with long-term-care homes. We've had 500 beds built over the last 10 years. We've used an MZO in Oakville to build 512 beds. As much as the previous government built in a decade, we're building here because we have a systemic problem. Obviously, I could go on and on.

At any rate, I guess my question—I'll carry on in the second round—to Mr. Case: We currently are looking at potentially expanding the greenbelt. It could be the largest

expansion since the inception of the greenbelt since 2005. We're involved in consultations right now, as we speak. I'm just wondering if that's something your group or yourself have participated in, in terms of giving your feedback to the government, as you are today.

**Dr. Robert Case:** Yes. That is something that we've participated in. We like ideas related to the expansion of the greenbelt, and I think we will get involved again. That hasn't exactly been my portfolio as a volunteer, but certainly we've been part of that.

**Mr. Stephen Crawford:** The reason I just bring this up is because I want to highlight—I know you mentioned, I think it was you who—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Stephen Crawford:** —mentioned the government doesn't care about the environment. But I'll carry on in the next round. Thank you.

**Dr. Robert Case:** Expand the greenbelt, but let's not overrule existing environmental protections and build mega-highways that destroy wetlands and environment. Let's keep the current environmental protections in place and expand from there.

**The Chair (Ms. Goldie Ghamari):** We'll now turn to the official opposition for seven and a half minutes. MPP Burch, you may begin.

1430

**Mr. Jeff Burch:** I want to thank all of the presenters for their presentations. It looked like Mr. Detlor had something to say to Mr. Crawford at the end of that and didn't get the opportunity, so before I ask a question of Laura, I would like to give Aaron a chance to answer that.

**Mr. Aaron Detlor:** I'll just be very brief. Thank you. It's apparent that the province again with respect to the expansion of the greenbelt is undertaking a process that appears to be, at least from the Haudenosaunee perspective, an Indigenous-free zone. I heard Member of Provincial Parliament Wai speak at length about this government's approach, and not once did she mention Indigenous rights. Member of Provincial Parliament Crawford did not mention Indigenous rights. There has been no engagement by this government with respect to Indigenous rights.

All of this discussion can go on and on and on but, unfortunately for them, section 35 of the Constitution stands there and the Haudenosaunee people stand there. And they will stand there. They will stand up for their rights. I'm urging this government to seriously consider its approach to passing through these pieces of legislation without any good-faith engagement.

**Mr. Jeff Burch:** Thank you. A question for Laura Bowman from Ecojustice: At the end of your presentation, you talked about that you had more to say regarding MZOs more broadly and how they apply to wetlands specifically. I'm wondering if you'd like to carry on with that and maybe also touch on the implications for future litigation.

**Ms. Laura Bowman:** Yes. What we've seen is that the Duffins MZO is not the only one that has run afoul of some of the environmental protection provisions of the PPS and it's not the only one that's run afoul of other provisions of the PPS, which don't specifically apply to environmental

protection. For example, the eastern properties in the Duffins MZO convert employment lands without following the municipal comprehensive review process. That's also an issue in my client's judicial review.

What we have seen is, since my clients brought this litigation, another MZO proposal in a provincially significant wetland up on Lake Couchiching was abandoned. The municipality made some comments that they spoke to municipal affairs and it didn't look like it jibed with the policy statement. So those MZOs are potentially back on the table after schedule 3 passes because now they've gotten rid of the obstacle of the provincial policy statement.

This will not stop the litigation on these MZOs. There are other requirements which still apply. They are not as useful. They are not as substantive. But the environmental movement is not going away. We are not going to stop treating these MZOs as unlawful where they do not conform with the purpose of the Planning Act and where they do not comply with other environmental and procedural rules, and neither are the First Nations. I do have First Nations clients as well.

More broadly I would say, if the government has policy goals of expediting long-term care and housing, what part of the PPS is stopping them from doing that? These are minimum planning standards that deal with things like how to grow and where to grow and how to service things. They deal with where you should put a long-term-care facility, not whether or not you should expand long-term care. They deal with putting it in a place that's easy to service, that's easy to access from transit etc. I have yet to see an example where the PPS and particularly the environmental provisions of the PPS were an obstacle to those things. So what really bothers me from an environmental perspective about this schedule in terms of the forward-facing provisions is not only the Aboriginal rights issue, but how does this actually advance the stated policy goals? There isn't anything in the PPS that stops the government from building housing in long-term care.

**Mr. Jeff Burch:** The government has kind of pitted different problems against each other, and it reminds me of the old-fashioned view that the environment and the economy are somehow two separate things and they don't really depend on each other. This argument that it's okay to build on a provincially significant wetland or on the greenbelt if you're building affordable housing or if you're building long-term care: You just touched on that, but how does that sit with you—as well as the other kind of approach being used that it's okay if a municipality requests it.

**Ms. Laura Bowman:** We saw in this particular MZO in Duffins that the municipality did not make any inquiries about how to service the site, or even whether or not there were environmental features on the site. If the government is relying on municipalities without going through the normal planning process—like, there's no requirement for a municipality to even get a staff report, for example, before requesting an MZO; there are no procedural requirements.

How do we know that they're not just taking some developer's word for it, like they did in the Duffins case, proceeding to ask for it from the ministry—and then the ministry, in this case, also did not do real due diligence on what was happening on this site. Nobody is looking at it. Nobody is looking at servicing. No one is looking at environmental impact. No one is looking at flooding. That role has been taken away from the conservation authorities, and I think that Mr. Detlor's comment about insurance for these developments is a very important one.

The normal process is not being followed. The due diligence isn't there. It doesn't matter if a municipality asks for it because they haven't heard from their constituents, they haven't heard from the conservation authority and they haven't heard from their staff in many cases about what the implications of requesting it are.

**The Chair (Ms. Goldie Ghamari):** Forty-five seconds left.

**Mr. Jeff Burch:** Perhaps Mr. Case would like to comment as well. I know that you talked earlier about the conservation authorities and bypassing that consultation. Do you want to comment on that?

**Dr. Robert Case:** Maybe even more than that—that is an issue for people. We were quite directly involved in the fight in Stratford around an MZO for the Xinyi glass plant, and people called Wellington Water Watchers in because of the water extraction element attached to the polluting industry.

But what it turned out—what people are really upset about was there were the environmental impacts, but the loss of local democratic—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time that we have for this round. We'll now turn to the independent member for four and a half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Rob, I will let you finish that thought but leave me some time because I have some questions for Laura.

**Dr. Robert Case:** Okay. I want to hear from Laura, too.

I'm sorry to say this, but what people are really reacting to is that normally in the municipal planning process, there would be some sort of public hearing process where you can air your grievances and concerns. What some people seem to be saying is that as long as the municipal government says yes to a developer's proposal to ask for an MZO, everything is cool. But there are a couple of examples we see already where, as soon as the public hear about it, they freak out because they're not with the council. I think there has to be more process attached to it. That's what people are really responding to.

**Mr. Mike Schreiner:** Yes, absolutely. Thank you for that.

Laura, initially when the day started, I was really thinking of schedule 3's constitutionality questions, because of some of the issues that Aaron has brought forward, but also that it essentially revokes the constitutional right to seek a judicial review, which specifically seems to be targeted to your client. I want you to confirm whether I'm right or wrong with that, but I also want to add that from

your presentation you're also suggesting that it violates the constitutional separation of powers. Am I right in my notes with that, and can you elaborate a bit more on that?

**Ms. Laura Bowman:** Yes, that's correct. Section 96 of the Constitution Act, 1867, is a provision that the courts have relied on in numerous cases to affirm that the courts have a role in reviewing the legality of administrative decisions like a minister's decision to issue a zoning order, and that they will protect that function from legislative interference.

For example, if the Legislature passes a law that says, "You can't judicially review me; I can do whatever I want," the courts ignore that and they proceed to judicially review it anyway. That's called a privative clause, and what this is really is a privative clause. It's saying, "Environmental Defence and Ontario Nature, you cannot judicially review me for my unlawful MZO in Duffins Creek." That's the purpose of that, backwards-facing—and there may be other court cases or other unlawful MZOs that they're trying to protect themselves from judicial review for, as well. What other function could that section play in terms of it affecting past MZO decisions? The only purpose of it is to affect judicial review.

1440

**Mr. Mike Schreiner:** It's almost like the minister is saying, "I'm above the law. The law doesn't apply to the decision I've made." Essentially, that line of thinking violates our Constitution—just in layperson's terms.

**Ms. Laura Bowman:** That's correct.

**Mr. Mike Schreiner:** I also want to be clear, but at the same time, I don't want to put words in your mouth—I think you would be okay with an MZO that went through a responsible process—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** —maybe was going to build some long-term-care beds, doesn't violate the PPS, isn't built on a wetland. I'm assuming that you're saying there are some times when an MZO could be appropriate, as long as it was done in a responsible way and complied with the law.

**Ms. Laura Bowman:** I think that's theoretically possible. I think it would be a very limited number of situations where a minister could reasonably override things like official plan documents, a long history of zoning that went through public consultation. For example, in an unorganized territory where there is no official plan and there is some matter of clear provincial interest, perhaps an MZO might be appropriate there.

If someone wants to build a long-term-care facility, I would say that an appropriate process to go through would be a normal official plan and zoning process. If it complies with those rules and is good planning, it will be approved.

**The Chair (Ms. Goldie Ghamari):** That's all the time we have for this round.

We'll now turn to the government for this round of questions. MPP Crawford, you have seven and a half minutes.

**Mr. Stephen Crawford:** I want to thank all the presenters for being here today.

I'm the parliamentary assistant to the Minister of Infrastructure, so I've been involved in the broadband infrastructure component, and I did want to get on the record the critical nature of broadband throughout Ontario, particularly in rural and northern Ontario. I think the pandemic has, in particular, shed a light on the digital divide we have in this province. We clearly have a digital divide between the haves and have-nots. There are many people in this province who don't have proper access to broadband. Whether it's for business purposes and being involved in the global, competitive world that we live in; whether it's for access to education; or whether it's access to loved ones—I know there are a lot of people who have been connecting to loved ones, obviously, through FaceTime and other such services throughout the pandemic—the need for broadband throughout this province is absolutely critical. We've made a commitment to ensure that everyone has broadband by 2025 in this province, so that's clearly the focus of our government in terms of the importance of infrastructure and broadband development here in the province.

I know all three presenters touched on schedule 3, so I've certainly made note of that, and I'm sure everyone here has. You raised your concerns with that.

I want to ask Laura if you could give some commentary on the digital divide, in terms of what this bill will do for remote communities, for Indigenous communities, for families and businesses in northern Ontario—what kind of impact it will have on those folks.

**Ms. Laura Bowman:** Schedule 3 has nothing to do with broadband access, and I've never heard of a single example where the provincial policy statement impeded anyone's broadband access; I haven't heard a single example in any of the context of why schedule 3 is in this bill. I can't speak to broadband access, the other schedules in this bill and their merits—that's outside my bailiwick—but schedule 3 certainly has nothing to do with that.

**Mr. Stephen Crawford:** I know you've made some comments on that already, and I've made note of that, but I'm just asking if you could comment on other aspects of this bill. Are you saying you're not able to?

**Ms. Laura Bowman:** As regards the broadband access issues in this bill, there is no provincial policy statement obstacle to broadband access, and therefore schedule 3 doesn't belong in this bill.

**Mr. Stephen Crawford:** Okay. With that, I'm done my questioning. I'm not sure if there's anyone else on the government side who has further questions or not, but if not we'll pass the time.

**The Chair (Ms. Goldie Ghamari):** Okay. Thank you very much. We'll now turn to the official opposition for seven and a half minutes. MPP Shaw, you may begin.

**Ms. Sandy Shaw:** Thank you. I'd just like to say that we were schooled on what it is to be a lawyer. Thank you very much for that, Ms. Bowman.

I just want to be clear that the official opposition are calling for the removal of schedule 3 from this bill. There is no equivocating there; it needs to come out of this bill. And what we just heard the MPP from Oakville say is that

essentially if you want broadband we'll give you broadband, but you're going to need to exchange your constitutional rights to get broadband. That seems to be the trade-off that this government is proposing.

With that in mind, I just would like to focus my questions for the first bit to Mr. Detlor. I don't know that you know that about a year ago I held a know-your-rights "Water Is Life" town hall, and we were privileged enough to have a visit from Chief Arvol Looking Horse, who explained to us that Standing Rock is everywhere. He explained that this basic connection that we have to the environment and our right to protect it is everywhere. I would say, at that time, I don't think we could have even conceived what would come to Ontario in terms of our responsibility to protect our natural heritage and our constitutional rights.

I just would like you to again state what is at risk, not only for Indigenous governance, Indigenous sovereignty. I don't think people understand what's at risk with schedule 3. Certainly, I know Indigenous communities—the Haudenosaunee; I'm near Six Nations, 1492 Land Back Lane. They will stand between this bill and the taking away of their Indigenous rights. But can you just explain to people, and maybe even to the government side, why this is so serious and heavy-handed?

**Mr. Aaron Detlor:** Thank you very much. It goes back to a previous Progressive Conservative government, and it goes back to certain comments—I'm not going to quote verbatim, but it was, "Get the effing Indians out of the park." So what you've done is you've resurrected every single fear, concern, anxiety, worry, about a government where that's their approach. That's relatively recent history for us, "Get the effing Indians out of the park," and somebody was killed as a direct—in my opinion, they're directly responsible for that. The Progressive Conservative Party of that time was directly responsible for the death of Dudley George.

**Ms. Sandy Shaw:** Ipperwash.

**Mr. Aaron Detlor:** Ipperwash. And so, the Ipperwash report came out in 2006. We've got this long Ipperwash report; we've got the Truth and Reconciliation report; if you want to go back further, we have the Royal Commission on Aboriginal Peoples. This government, with respect to schedule 3, is ignoring all of them.

What's really at risk is not only the land or the wetlands—and we're concerned about those types of things. We understand where our friends Ms. Bowman and Dr. Case are coming from, but from us it's a little bit more profound in terms of the relationship that they're jeopardizing. We just spent all this time coming out of Caledonia, trying to rebuild a relationship. We've got 1492 Land Back Lane going on, and we're managing it. It's being managed; maybe not to everyone's satisfaction, but it's being managed. And now when the government does this, schedule 3, from my perspective, it's just a more benign way of saying, "Get the Indians out of the effing development."

**Ms. Sandy Shaw:** Thank you—

**Mr. Aaron Detlor:** By completely ignoring them—sorry.

**Ms. Sandy Shaw:** No, no. I just wanted to tell you that I tried to quote Premier Harris from that report and use that exact line, but I had to withdraw in the Legislature. Premier Harris said it, but I wasn't allowed to quote that from the inquiry. So I just wanted to let you know I'm very aware of that, and it's an unnecessary provocation for broadband, in my opinion.

Ms. Bowman, I'm going to ask you a similar question. I don't think people understand how what is happening here is that we will no longer be a province that is governed by a rule of law. If anything that a minister does can be deemed okay, lawful, retroactively or going forward, how do we have a province that respects any laws? I'm going to give the MPPs on the government side the benefit of the doubt that they don't understand what is before them and what they will be voting on. Essentially, they're going to be voting on abrogating all of the constitutional rights and the rule of law in the province of Ontario.

1450

**Ms. Laura Bowman:** With respect to the aspects of schedule 3 that applied at past decisions—that attempts to change the legal framework that was in place when the decision was made. Of course, we need people in the government and ministers in this government and other decision-makers under the public statutes of Ontario to make their decisions in accordance with the law as it stands at the time, not in anticipation of some future law that may or may not vindicate the policy outcomes that they want. That is key. The deeming clause really is a fundamental rejection of the rule of law, because it would vindicate unlawful decisions made in the past and frustrate judicial review and frustrate my client's constitutional right to seek that judicial review. It was tabled in the context of an active motion, in an active case, where that very issue of, did the minister make a decision consistent with the PPS as required by subsection 3(5)(a) of the Planning Act, the very section being interfered with by schedule 3—was it a lawful decision under that section? Our client said it was not consistent with the PPS. The minister was advised that his decision had to be consistent with the PPS, so it's not like the minister just made a mistake and didn't realize that was required at the time.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Sandy Shaw:** And lo and behold, they put this into an unrelated bill.

I'm just going to end you there, because I want to get a little bit in with Rob.

Rob, I want to thank you for helping me with the Know Your Rights workshop.

The question that everyone is asking is, will there be any environmental protections under the law left in this province if this goes through or if we see a government that's prepared to violate every environmental protection that currently exists? What's left for people and the environment?

**Dr. Robert Case:** That's a very good question.

I think it's a slippery slope in the wrong direction. To be frank, I'm not sure what pollsters are saying, but I feel

like I'm here giving the Progressive Conservatives a friendly heads-up about what I see happening at the grassroots. You can say, "Trust us," but people are less and less inclined to trust this government because of these types of manoeuvres: "We want broadband; we sneak in these ministerial powers, centralizing government power by a Conservative government." That's ridiculous, and people are onto you. I think—

**The Chair (Ms. Goldie Ghamari):** Thank you. That's all the time we have for this round.

At this point, I would like to thank our presenters for appearing here today. You may now step down.

MR. DEVIN MATHURA

MS. ALLY ZAHEER

**The Chair (Ms. Goldie Ghamari):** We'll now turn to our last presenters for the day. We have Devin Mathura and Ally Zaheer. Please state your names for the record, and then you may begin. You will have seven minutes.

**Mr. Devin Mathura:** My name is Devin Mathura.

**Ms. Ally Zaheer:** My name is Ally Zaheer.

**Mr. Devin Mathura:** Good afternoon, committee members. I am 18 years old, and I currently attend the University of Waterloo for environment, resources and sustainability. I'm here today with my good friend and fellow environmental activist Ally Zaheer, who is 19 years old and attends the University of Guelph for environmental engineering. We are both residents of Pickering who have recently voiced our concerns about the MZO in our community.

**Ms. Ally Zaheer:** We come here today to not only be a voice for the youth of Ontario but also for the thousands of residents across the province who have demonstrated their opposition to the bill in question. Over the past few months, we have had the chance to work with people in our community as well as all over Ontario in stopping the development of a provincially significant wetland. Throughout this journey, we have learned that most people, despite political views and perspectives, are concerned about the safety of Ontario's green spaces.

**Mr. Devin Mathura:** Recently, the voice of the public has been growing stronger and uniting to bring justice for our environment. Residents in Stratford fought against an MZO that would allow for the development of a glass factory. More recently, residents in Durham fought to revoke the MZO that would allow the destruction of a rare urban wetland. Citizens across Ontario have demanded that there be a higher level of protection of farmlands, wetlands and forests—yet this bill aims to do the exact opposite.

**Ms. Ally Zaheer:** We must disclose that we are not against broadband. We support bringing Internet into rural and Indigenous communities so that they have easier access to online resources and education. What we don't support is the attempt at a sneaky and unethical attack on wetlands, farmlands and forests by the addition of schedule 3 in Bill 257. This action yet again demonstrates

your lack of concern for our future, which is continuously justified as an economic boost.

This bill supports developers and politicians who claim to be serving their people, yet we are confused which people, exactly, the schedule serves, as the people of Ontario have expressed the need for the protection of green spaces and not the destruction.

**Mr. Devin Mathura:** Schedule 3 within Bill 257 was clearly added for the lawful use of the MZO that would allow for the destruction of the Lower Duffins Creek wetland. The city of Pickering requested this MZO be revoked on Monday, March 22, and this schedule should be removed with it. We request that schedule 3 be removed from Bill 257 not because we want it, but because we need it. Generations to come cannot afford to pay for any more mistakes being made today. We need you to plan for future generations and we need you to use this opportunity to start making decisions that support the reality that the climate crisis is real.

**Ms. Ally Zaheer:** In the Paris Agreement, the federal government signed and committed to a 30% carbon emission reduction by the year 2030. Allowing for easier destruction of wetlands, forests and farmland by allowing developers to bypass the provincial Planning Act seems to take us in the wrong direction. Take responsibility and remove schedule 3 from Bill 257 before it becomes too late.

**Mr. Devin Mathura:** We need you to do your job now so that we can do ours in the future. We have taken on a huge role on social media and in our community to fight for the protection of our green spaces. Meanwhile, we are both trying to succeed in university and get a degree. Doing this becomes hard when you have an exam the night before a protest and your priorities are in so many different places, but what else can we do? Who will fight for our future if we don't—because the provincial government has clearly demonstrated that they are not interested.

Our voices have been ignored and silenced, but we will not give up. Schedule 3 within this bill may aim to make it easier to steamroll over public consultation, but know that that won't stop us. You will hear from us louder than ever, because as you continue such destructive actions, we grow bigger and stronger.

**Ms. Ally Zaheer:** We are afraid of how our provincial government is using their power. We are afraid of what this means for our future and generations to come. Over 80% of wetlands in southern Ontario have already been lost, and it's sad to see the government going out of their way to make the destruction of natural assets even easier.

In order to ensure a livable future for ourselves and generations to come, we need your government to start prioritizing the environment and protecting Ontario's green spaces. Remove schedule 3 from Bill 257. After all, it's yours to discover, not yours to destroy. Thank you.

**The Chair (Ms. Goldie Ghamari):** At this point, we'll turn to our first round of questions, beginning with the official opposition. Who would like to begin? MPP Shaw, you have seven and a half minutes.

**Ms. Sandy Shaw:** Devin and Ally, I wanted to thank you so much for being here. I feel actually kind of

emotional. And I think that I can speak for MPP Burch and MPP Schreiner that it is demoralizing being part of this Legislature when you care about the environment, and it's demoralizing when we see how the future of young people seems to be so disregarded. So I want to thank you for taking the time from your studies, for standing up. It's remarkable that you're here today, also, to depute in front of this committee. At the end of a long day of committee hearings, you've raised my hopes that the future is in good hands. You're the leaders of today. We talk about future leaders, but you are the leaders for today, not for the future, so thank you so much for what you've done here. I also want to say I'm also a grandmother—I have five grandkids—and I feel this deeply, what you're doing, so thank you very much.

I want to assure you that we as the official opposition—and I'm the official opposition critic for the environment—want schedule 3 withdrawn from this bill. It has no place in this bill. It was snuck in, as you said, Ally, and it is a disservice to the people of the province of Ontario; it's a disservice to people who need broadband. It's just not cricket.

I want to ask you, Ally or Devin—you can split your time—you said it again, but how do you feel being represented by a Premier who seems to not care about the environment, or being represented by a Premier who is at the Supreme Court fighting the notion that climate change is real and spending your tax dollars while the entire world is going in another direction and understands that this is an existential crisis? A Supreme Court judge had to say, "Climate change is real." It was actually in his judgment that climate change is real and it's an existential threat. So how does it feel, as a young person, to feel like you have to do the job that your government should be doing for you?

**1500**

**Ms. Ally Zaheer:** I think I can speak on behalf of Devin and myself because we have talked about this numerous times. It's often discouraging how disregarded people are for our concerns and voices. We've felt it in meetings that we've scheduled with our local politicians and how they brush off any comments we have and really just kind of try to speed through everything that we have to say. But we know what we're talking about, and we've done the research and we've put in the work to get here. So that's really frustrating, to see that.

It's also really frustrating to see deadlines like this. We were watching earlier, in the morning session. We heard that they want this broadband goal met and installed by 2025, I think. Yet there are no goals for the environment, it seems. Where are the deadlines? We hear, "Oh, by 2030, a 30% reduction rate."

We focus on sustainable development goals in my classes in university, in basically every single class that I have, yet I don't see the government working towards those. We don't see those deadlines. We hear numbers, but they just seem like lofty dreams. People commit to clean drinking water for Indigenous communities and carbon reductions and reducing the impact that humans are having



on this earth, but we don't see anything truly being done and we don't see any consultation with the people whose future relies on the actions that are being taken now.

**Ms. Sandy Shaw:** Devin, did you want to add something to that? Thank you, Ally.

**Mr. Devin Mathura:** It just feels exhausting, having a part-time job, being a student, and then also having to advocate for my generation and generations to come instead of the government doing its actual job. It feels exhausting and it feels tiresome. It feels like we're going back in this circle, like what happened in November when Ally and I were discovering schedule 6. Now, we're here at schedule 3, and it just feels like this endless cycle of destroying the environment and destroying things that mean the most to us and that we need the most, especially in the midst of a climate crisis.

**Ms. Sandy Shaw:** Yes, thank you for that. I agree with you; you shouldn't have to be doing this. You should be focusing on your studies and expect that you have a government that has your back, and it's not the case.

In the time I have left, maybe really quickly, outside of removing schedule 3, if there was one policy that you could wave a magic wand and have this government implement, what would that be when it comes to the environment?

**Ms. Ally Zaheer:** I think just actually making an effort and putting sustainable policies in place that will reduce our global carbon emissions, because that is what we need. We can't plan to reduce our emissions by 50% by the year 2050, because we don't have that long. The action needs to begin now. Things as simple as banning plastic straws aren't going to cut it. We need more sustainable solutions, and I think that the government needs to consult with the public and with more experts, because we don't know what's going on behind the scenes and we have an opinion as well.

**Ms. Sandy Shaw:** Devin, do you have something to add?

**Mr. Devin Mathura:** No, I think what Ally said was great. I completely agree.

**Ms. Sandy Shaw:** Well, thank you for that. We agree. It is exhausting, and we agree that there should be clear targets. This government does not have a climate plan at all, but this is the government that brought us litter day. This kind of tokenism is not what we need, as you said, when we're facing an existential threat when it comes to climate change.

Thank you for your advocacy. In the second round, I'll have more questions for you as well.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. We'll now turn to the Green Party member for four and half minutes. MPP Schreiner, you may begin.

**Mr. Mike Schreiner:** Yes, Ally, Devin, thank you both for coming in and just having such strong, powerful voices. I think you should think about running for political office. We need more voices like yours in the Legislature, fighting for not only your future but our future, too. The climate crisis is here right now. That's exactly why we need to be protecting wetlands, so thank you for that. Yes,

I agree. Schedule 3 not only should be removed from the bill, it should just be obliterated, period, and not in any bill whatsoever.

But I wanted to ask you, I think the two of you—are you the ones who organized the shoe strike that we've seen? Can you maybe just explain what motivated that and how the shoe strike went?

**Ms. Ally Zaheer:** Yes. Devin and I are the two people who organized the shoe strike. Luckily we had the help of another environmental action group in our community that you've probably heard from today, EANAP. So that was great.

The idea behind this was we needed to start raising public awareness, but we didn't know how to do that without physically protesting, which we could not do with all the COVID restrictions in place, and we did not want to harm anyone's safety. So Devin and I started brainstorming. I had heard of this idea a few months prior: In Guelph, the climate action group ran a shoe strike. I donated some of my shoes to that, and Devin and I thought that would be a great idea.

We started brainstorming in about January and finally got the ball rolling, and the results were amazing. We set up shoe drop-offs at my house as well as two other locations in Durham and we advertised it all over social media. The Green Party also advertised it on their social media and their support, which was really amazing, because we just kept reaching more and more people.

I was in Guelph the whole time, but the shoes were being dropped off at my house in Pickering. I would ask my sisters every day for an update and they'd be like, "There was only two pairs of shoes." I was texting Devin and I was like, "I'm really worried that this isn't going to work out." But then a weekend hit, and my porch was piled up. In one day, we had received over 400 pairs of shoes. By the end of it, we had received over 900.

Something that we asked people to do was write a tag with their name on it and the place that they were from and attach it to their shoe. We had them on my porch cut out of recycled materials and they'd just attach them to their shoes. We had tags from Guelph and Kitchener, from Prince Edward County. All over Ontario, people were sending their shoes. We had people responding to our tweets from New York, saying that they wished they could help us; people asking if they could mail in shoes. We just kept gaining support.

**Mr. Mike Schreiner:** So let me get this straight: In the middle of a pandemic, when people are focused obviously on their health and the economic crisis we're facing, you had almost 1,000 people, over 900 people, who went out of their way to deliver shoes to you for your shoe strike.

**Ms. Ally Zaheer:** Yes.

**Mr. Mike Schreiner:** That's pretty amazing.

**Ms. Ally Zaheer:** It was great.

We were slightly disappointed. We set up all the shoes outside of city hall to show our discontent with the MZO that they had requested and nobody came out to see us, which was sad.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Ally Zaheer:** But they knew we were there. We could see them looking out the windows.

**Mr. Mike Schreiner:** Well, I think you've made a difference—the fact that there's been a request for the MZO to be revoked. But as you've stated today, that victory is not complete if the government can come in and violate the PPS with another MZO.

I really appreciate just the amazing work you've done and the great job you've done today. I may have about 20 seconds so if you have any final words, you can use it up. Otherwise I'll concede my time.

Okay; great. Thanks, Chair.

**The Chair (Ms. Goldie Ghamari):** Thank you. We'll now turn to the government for seven and a half minutes. MPP Smith, you may begin.

**Mr. Dave Smith:** Devin, I wanted to touch on something you said, because I think it's rather interesting and it's something that needs to be expanded upon. You said that you're at university and you're working part-time and you're having a little bit of difficulty doing all the things that you want to do. Am I correct in that statement?

**Mr. Devin Mathura:** Yes and no. Yes, I am in school, I am working part-time and I am also trying to advocate for the environment and for my future and generations to come, but that is not something that—I want to do it, but I shouldn't have to do it, because your government is not doing it for us.

**Mr. Dave Smith:** We all take time to do things that we find are very important. This is not adversarial. Please don't take any of this to be adversarial. I recognize that, being in the Progressive Conservative Party, you're going to see me as someone who is going to be in opposition to what you're trying to do.

1510

I'm actually trying to promote something that you pointed out. You pointed out that you're at university full-time, that you are working part-time, and that you are trying to find the time to advocate for things that you think are very important. I'm going to take my hat off to you on that, because I understand exactly what you've gone through.

I'm 51. At 44, I hadn't finished my undergrad. I was working full-time. I had three kids who were in their first and second year of university. I chose to go back to university full-time in that final semester to finish my undergrad degree. I also served on a community investment grant committee for the city of Peterborough, reviewing investments and grants for various organizations. I also organized Canada's only minor hockey-sanctioned tournament played outside on a body of water. On top of that, I organized Hockey Day in Canada for the CBC. And on top of that, I organized a Special Hockey International event for students with special needs. All of this was while working full-time and being a father of three. When you have priorities and things that are important to you, you find the time to do them.

I take my hat off to you because you are at university full-time—absolutely, there is stress involved with that, especially right now, during COVID-19. There are a lot of

things that are very difficult now. The experience that you have at university is different than what it was for me just seven years ago because, for the most part, you're doing things that are virtual; you're not in class. It's not the same experience.

You have found time to advocate for this. You have found time to stand up and say, "This is what my beliefs are, and this is what is very, very important to me." That is very admirable. Whether we are going to agree on the direction of something or not has nothing to do with it. I think you are an exceptional young man because you have taken the time to better yourself with your education; you are working part-time, probably to help pay for your education; you have taken the time to do the research that you need to do, you have formed an opinion, and you have started to take actions on things that are very important for you. That is very admirable and I think you need to be commended for it. So in the entire process that we will go through on this, you're making a positive contribution—

**The Chair (Ms. Goldie Ghamari):** MPP Smith, my apologies for interrupting.

MPP Shaw, you had your hand raised. Do you have a point of order?

**Ms. Sandy Shaw:** I do have a point of order. I'm just wondering if we're going to hear a question for the deputants—

**The Chair (Ms. Goldie Ghamari):** MPP Shaw, this is the government's time. I have allowed everyone to make very long statements, including opposition members, so I would just ask that we provide the same level of respect to all members. If this is how they choose to spend their time, then so be it.

I'm going to unpause the time now.

MPP Smith, you may continue.

**Mr. Dave Smith:** How much time is left, Chair?

**The Chair (Ms. Goldie Ghamari):** Just over three minutes.

**Mr. Dave Smith:** Thank you very much for that.

Devin, I think the process you're going through is one that's very valuable. I think that having someone like you step up and say, "This is what I believe in. This is the process that I think we should take," is going to make everything that we do much better, and I greatly appreciate that.

One of the questions I have for you on this is with respect to being in university now and not being able to go to class. Probably all of your courses are being done online right now. Do you think it's important that every student across the province has the opportunity to attend their courses virtually, online?

**Mr. Devin Mathura:** No, I do not agree with that. All of us have had to learn online due to the pandemic that has hit us extremely hard, especially in Ontario. I do not agree that students should have to go through learning online ever again. In university, it has put immense mental health constraints on myself. It has put immense stress on academic-related things, and I cannot imagine what students in high school who are working towards getting

into university and into college are going through and what they would go through if they had to learn online.

That doesn't make sense, as to why students should be made to do it online. Yes, it makes sense right now, because of the pandemic, and schools are not outfitted with the proper technology and resources to be safe, but going forward it should not be a thing.

**Mr. Dave Smith:** So you're suggesting that in a pandemic, those students who want to attend university, who can't because we have physically had to stop them from going for their safety, should not have an option of taking courses online? Is that what you just said? Because I'm asking about, right now, kids who can't go to school, and I'm referring to university students in this case. They can't attend class because of safety, and you just said, "No, they should not have the option of taking online courses"?

**Ms. Ally Zaheer:** Devin, if you don't mind me jumping in here: I think Devin is thinking about in the future with online school, if we have to keep doing it, and he thinks we shouldn't.

But I see where you're coming from: You're saying that we need broadband in rural places and Indigenous communities so that they have access to education. I completely agree with that, but once we take schedule 3 out of this bill, that is a completely different debate that we will be having.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. That's all the time we have for this round. We'll now turn to the official opposition for seven and a half minutes. MPP Shaw, you may begin.

**Ms. Sandy Shaw:** You know, Devin and Ally, I think I said earlier how demoralizing it can be to serve in the Legislature with this government, and I think maybe you might be feeling my pain today.

I want to focus on what is the biggest concern that you've brought to us. What you're talking about is that you have fear for your future. I mean, we're facing an existential threat because of climate change, and climate change is something that this government does not seem to believe in, or does not seem to think requires an important plan with targets to address this existential threat.

I just wanted to point you to the fact that New Democrats have released what we're calling the Green New Democratic Deal, and it focuses on climate, jobs and justice. I think what I want to get you to focus on—because it's quite clear that you've made very clear that you know what's going on; you understand the risk that this government poses to any kind of progress on addressing climate change. But in the Green New Democratic Deal, what we want to make sure is that no one is left behind when we transition. And so, particularly for young folks, we want to make sure that there are opportunities, skilled opportunities, that we have a youth environment corps, that there will actually be paid positions to work towards transforming our economy, at the same time as ensuring that we're protecting the environment and making real progress on climate change.

I don't know if you could comment on that, but then also comment on how you think the actions of the government, like schedule 6 in Bill 229 taking away the rights of

the conservation authority and like this schedule 3 that basically gives the minister carte blanche to do anything when it comes to environmental protections—can you just both take the time to comment on what you think that this government should be focusing on, rather than pitting broadband against taking away our environmental rights in this province?

**Ms. Ally Zaheer:** I liked how you said it's hard to see; that this government doesn't seem to care for climate change and climate action, because Devin and I both talked about how this government doesn't truly feel like a democracy when only one side of a voice, an opinion, is communicated and we only see things happening that support one voice. True leaders—I know we're here today discussing many different points of view, but what is said here won't necessarily change or necessarily happen. So it's hard to see, when these are supposed to be our leaders, we're supposed to look up to them, but we know that leaders are supposed to hear both sides of the story. They're supposed to actively listen and make it feel like everyone is being heard.

**1520**

It's really, really hard for the two of us to understand when we've been raised since grade 2, I think—in social studies, we start learning about how things work, and we learn about democracy. In grade 5, I remember I did a project on—I think my group was the Green Party, and we all had to listen to what everyone had to say, from every different point of view, and I thought that was what was going to happen when I grew up. I just turned 19. I've been waiting to vote for a very long time, and I'm excited to do that. But when I truly realized what happens in our government, I was like, "Wow, this is not what I learned about when I was 10 years old." It's very shocking.

I think that this government and all governments to come really need to start focusing on all voices being heard, no matter what political party they support, no matter where they are from, no matter what their goals are. I think that's one of the main things: Hear everyone's voices and make them valid.

**Ms. Sandy Shaw:** Thank you, Ally. I want to tell you, I just turned 60, and I'm equally as shocked as you are that this is the way a government will function. And I want to make sure I don't forget to say that MPP French is so impressed by the work that you've done. She really is a huge fan of your work, as we all are.

Devin, I'm going to give you a chance, uninterrupted and unchallenged, to finish up with the comments that you want to say about what you think this government should be focusing on rather than putting these kinds of anti-democratic schedules into bills.

**Mr. Devin Mathura:** I think that the government should focus on, especially when we're still—now they've officially said we're in wave 3 of this pandemic—coming out of this pandemic with environmental policies and environmental laws that directly affect us going forward. All of us have seen the impacts around the world of reduced car emissions, no travelling. We have all seen when there are no boats in the water how clear it gets from

pollution and other chemicals. So I think that the government should be focusing on having an environmental recovery, especially coming out of this pandemic, and starting with an economic recovery as well. That is extremely important. I know jobs are important now more than ever. People need money; people are not being able to put food on the table. That goes with the environment. We need stronger, more firm policies, and deadlines that aren't 2050, 2075. We need things that are as fast as this broadband bill is supposed to get through, by 2025.

Again, I'm not saying I am against broadband. By all means, Indigenous communities and rural communities need fast Internet access. But Indigenous communities especially also need stronger environmental policies, clean drinking water. They need better housing, and they need affordable health care and education. Those are a lot of other things that the government should be focusing on instead of building a warehouse on a wetland, a glass factory in Stratford.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Ms. Sandy Shaw:** Thank you very much for that. Again, we've made it perfectly clear that we're not opposed to broadband either, but not at the expense of our environment, of wetlands, not at the expense of increasing the climate change risk and certainly not at the expense of the rule of law in the province of Ontario. It cannot be underestimated how anti-democratic and how heavy-handed schedule 3 is to give a minister unfettered rights to determine what is legal and not legal when it comes to planning and the environment in the province.

I just want to say though, I would like to invite you to look at the Green New Democratic Deal and reach out to me, because I am the opposition's critic for the environment. I really would like to get the same opportunity that Ms. French has had to hear from you and meet you in person.

Thank you so much for your deputation here. You are two remarkable young people, and it has been my honour to meet you today.

**Mr. Devin Mathura:** Thank you so much.

**Ms. Ally Zaheer:** Yes, thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. This concludes this round of questions. We'll now turn to the independent Green Party member, for four and a half minutes. You may begin.

**Mr. Mike Schreiner:** Great. Thank you, Chair. Devin, thank you for pointing out that, yes, we definitely need jobs coming out of COVID-19, and if you look around the world, most of those jobs are jobs that address the climate crisis. It's pretty clear that most places are connecting climate action with job action, and absolutely, you're right that we need more urgency in our action in Canada. I would argue both the federal and the provincial governments must have more aggressive targets, because the targets we have right now for GHG reduction—you're absolutely right—are not aggressive enough.

The two of you are working, you're going to university, and you've done an amazing job of organizing against the

Amazon warehouse being built on the Duffins Creek wetland in your community, where you grew up.

What was it that inspired you to take action on this issue? When you heard about it and you started organizing the shoe strike and your online campaigns etc.—what was it that really motivated you to do it?

**Ms. Ally Zaheer:** Something that really motivated me was, once we started getting into things—Devin and I have both been passionate about environmental issues for so long. We went to elementary school together for a while, and we went to high school together and worked together on environmental issues within our community and school all throughout high school. Now we've reconnected because we need to make our voices heard. I think that's what inspired us the most—that we could make an impact on this, and we weren't about to just let this go.

Something that kept inspiring us was the power of the public. Everyone seemed to be able to band together in this time of need.

I've been feeling the pandemic blues, and I have a hard time doing my school work sometimes, because it's difficult sitting on your computer all day.

I think that what really set Devin and I apart is that we gave people something to look forward to, a way to feel like they were making an impact and truly doing something. I've heard it from other people who have been emailing me throughout this whole thing. They said, "Thank you so much. I've heard about the wetland issue, and I've been inspired to do something, but I didn't know what to do. You gave me the opportunity to share my voice and share my power." That's really what kept me going this whole time. As we both said, we're full-time university students. I work two jobs. I volunteer. Throughout that whole busy-ness, when it's late at night and I read one of those emails that someone sent me because they found my email in the News Advertiser, it really keeps me going.

**Mr. Mike Schreiner:** I can relate.

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Mike Schreiner:** Devin, did you want to add to that?

**Mr. Devin Mathura:** I wholeheartedly agree with everything that Ally said.

I think that as young people and the new faces of the generations to come, younger people and people of all ages look to us, as well, and they commend us on these strides that we're taking to secure a future for their children and their grandchildren, and our children. I think that's something that's really important. Everyone is looking at us to guide them in a way that is advocating for them and to have all of our collective voices heard, no matter the age, race, background, no matter what—just as people who live on this Earth, the only Earth that we have in the universe so far that is attainable. So, yes, I think that's also really important.

**Mr. Mike Schreiner:** Both of you have made a huge difference, and I want to congratulate you. I think when you first started, no one thought you would accomplish what you've accomplished. You did tremendous work in a very short period of time.

Thank you for being here today.

**The Chair (Ms. Goldie Ghamari):** This concludes this round of questions.

We'll now turn to the government for the final round. MPP Crawford, you may begin.

**Mr. Stephen Crawford:** It's a pleasure to be here today and having the two of you present. I sincerely appreciate it. Being involved at a very young age, I think, is a good thing. I was like that myself. The world is not black and white; I think we all recognize that. There are some times when we may agree on things, and there are some times when we may disagree. But I think we need to have that conversation and exchange ideas.

I did want to ask a few questions, and this could go to either one of you—just a bunch of short questions and then a conversation around that. I want to ask if you're aware of the low-carbon hydrogen strategy consultation that our government is currently pursuing.

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**Ms. Ally Zaheer:** I'm personally not aware of it. I can't speak for Devin, though.

**Mr. Stephen Crawford:** Devin?

**Mr. Devin Mathura:** No, I'm not aware of that.

**Mr. Stephen Crawford:** Okay. Are you aware of our policy on renewable content within gasoline?

**Ms. Ally Zaheer:** If you're talking about the little signs that I see at the gas station on the pumps, sometimes I see things. That could be it, but no.

**Mr. Stephen Crawford:** No, what I'm referring to is the government mandating that the gasoline we put in our cars at the gas stations go from a renewable content of 10% to 15%. Are you aware of that?

**Ms. Ally Zaheer:** No.

**Mr. Stephen Crawford:** Are you aware that Ontario has been the largest investor in green vehicles? Actually, in my own riding of Oakville, the Ford plant, in 2026 we're going to be building electric vehicles there.

**Ms. Ally Zaheer:** Yes, I have heard of that.

**Mr. Stephen Crawford:** Okay. That's great news, I think, for our province and for our country. I think we're definitely heading in that direction, so we need to ensure that Ontario is a leader in manufacturing green vehicles, because that is the future. There's no question we're going that way and we need to be a part of it.

Are you aware of the fact that Ontario as a province is leading the country in issuance of green bonds? Are you familiar with the green bonds program?

**Ms. Ally Zaheer:** Are you talking about the former cap-and-trade program?

**Mr. Stephen Crawford:** No. Basically, what our Ontario government did is we set up a program of issuing bonds for companies that are doing positive work for the environment, environmental technologies. I actually have a background, as well, not directly in the environment, but I was one of the owners of a company called Clean Environment Mutual Funds. We focused on companies that were investing in sustainable development technologies. We were really the pioneer in that in Canada, actually. I'm a firm believer in that. I just wanted you to know that—and I've certainly played a part in helping the government move in that direction, where we are issuing bonds for

companies that are trying to move in a positive direction for the environment. I just wanted to make you aware of that.

The other thing we've also done as well, I just want to make you aware, and it's actually in the budget document, is we're putting new rules around ESG—

**The Chair (Ms. Goldie Ghamari):** My apologies, MPP Crawford, for interrupting.

Just a reminder to all members to please maintain decorum. This is a parliamentary committee hearing. If you are unable to minimize your gestures and facial expressions and if you are unable to maintain decorum, you may choose to turn your video off. However, if your video is on, I expect everyone to behave as if they are sitting here in the committee room and that we are all behaving appropriately. Thank you.

MPP Shaw, do you have something that you would like to say?

**Ms. Sandy Shaw:** Certainly, yes. I just wanted to—not a point of order, but I think that this seems—

**The Chair (Ms. Goldie Ghamari):** Well, if it's not a point of order—

**Ms. Sandy Shaw:** —badgering the witnesses. These are young people. They don't need to be quizzed. They should be given a chance to answer.

I guess my question would be if MPP Crawford could ask them if they're aware that this government pulled electric charging from the ground—

**The Chair (Ms. Goldie Ghamari):** MPP Shaw, as I have explained and as you are fully aware, since you have said that you have experience in government, during a committee hearing each side is entitled to ask whatever questions they would like to ask. They're entitled to make whatever statements that they wish to make. I have been incredibly lenient not just in this hearing, but in previous hearings, where even members from the official opposition have used their entire time to simply make statements instead of asking questions. I would ask that we respect each other's time. If this is how the government chooses to use their time, that is their right. You as official opposition are allowed to use your time however you like, as that is your right.

If you believe that there is something that is a point of order, please bring it to my attention; however, at this point I have not seen anything that would be considered improper or unparliamentary, aside from the gestures that you have been making.

Once again, I would like to remind all members to please maintain a level of decorum. If you are unable to control your gestures, you can turn your video off. Thank you.

MPP Crawford, you may continue. You have four and a half minutes left.

**Mr. Stephen Crawford:** Thank you, Chair.

I did want to also mention that we've brought in new rules around ESG, which is environmental, social and governance. You're probably familiar with that. And this will be around the capital markets for companies that are disclosing information to the regulatory authorities. This is something I have a pretty good knowledge in, having

been from the capital markets. Actually, I was a board member of the SIO, which is the Social Investment Organization, which focuses on ESG investing in the province. So these are some of the rules we're bringing in.

Finally, you're probably aware, of course, of the transportation program that we've put through, including the largest transportation development in the province's history with our big subway transportation investment over the next decade. So we're excited about that.

One other thing I would like to mention, as well, is the greenbelt consultation we're going through right now. Given your interest in the greenbelt and other issues which you've touched on and I've made note of, would you be able to participate in that consultation? Have you yet or will you at some point?

**Ms. Ally Zaheer:** Thank you, MPP Crawford, for letting us know about all the things that your government has been doing. Devin and I would both like to be a part of the greenbelt consultation. Something that we're kind of worried about is the greenbelt is being expanded to places that it might not truly need to be expanded to, places like Puslinch, right near Guelph. It's a very small little place. If the greenbelt, say, were expanded out to here, they wouldn't be able to responsibly develop the land there, which is a concern for us.

**Mr. Stephen Crawford:** Okay. No, I appreciate that. Definitely take part in the consultation, because we want to hear your input. We don't need to go through all the details—we only have a couple of minutes left—but I appreciate that. At any rate, we certainly are potentially witnessing the largest extension of the greenbelt in its history, since its inception in 2005. So we'd like your input on that.

And with that, as well, I would certainly extend the invite to MPP Shaw. I know Minister Clark invited you to participate in the consultation on the greenbelt, and you rejected him. But we would like your input as well. This extends to everybody. We want everybody's input in the province in terms of your participation, your involvement, your interest in the greenbelt.

With that, look, I do want to end on a positive note. We're done for the day. I do appreciate the two of you coming here today. You've provided some valuable information. Again, we may agree or disagree on certain points, but please keep doing what you're doing. But I would encourage you to look into all the things the government is doing, because you did mention, Devin, that our government has done nothing on the environment. I've mentioned five or six things you weren't aware of—

**The Chair (Ms. Goldie Ghamari):** My apologies, MPP Crawford. MPP Shaw, do you have a point of order?

**Ms. Sandy Shaw:** I would like to say that what MPP Crawford has just said regarding me and consultation with the greenbelt is completely false.

**The Chair (Ms. Goldie Ghamari):** Okay. That is not a point of order.

We only have a minute and 40 seconds left for the day. The committee has been very good at co-operating with each other and participating and maintaining decorum. At

this point, I would ask that members continue to maintain that decorum and, unless it is a point of order, to not interrupt the person who is speaking, because that is unfair to them and it disrupts their train of thought. There have been several examples where members have been interrupted unnecessarily for something that was not a point of order, and this is not something that I wish to see on this committee.

We'll now turn back to MPP Crawford. You have a minute, 41 seconds. You may continue.

**Mr. Stephen Crawford:** Yes, thank you. So I would just say to the presenters today, thank you for coming out. We appreciate your being here. We would certainly encourage you to perhaps do a little more engagement and research on what our government is doing for the environment. And listen, there may be things you disagree with. That's okay. There's nothing wrong with that. We're all here, I think, to have conversations, to listen. We don't all agree, not even in the same party. But we can all have conversations and learn from each other. So I do appreciate that.

I do want to end it with, as the parliamentary assistant to the Minister of Infrastructure, the absolutely critical importance of broadband infrastructure in the province of Ontario. We have a major digital divide right now between haves and have-nots, and the pandemic has really, I think, shone a light on this. We have hundreds of thousands of people in Ontario who do not have proper broadband access. It affects their schooling. It affects their communication with their loved ones. It affects their businesses. So it's critically important—

**The Chair (Ms. Goldie Ghamari):** One minute left.

**Mr. Stephen Crawford:** —I think, that we ensure this bill goes through and we get broadband expanded throughout the province. But we're certainly here to listen. It's been an interesting day listening to all the various stakeholders, and certainly making a note of all your input, so I do appreciate it. Thank you.

**The Chair (Ms. Goldie Ghamari):** Thank you very much. This concludes our final round of presenters. You may step down. I just wanted to say thank you to both of you for joining us today. I know this is your first experience here, presenting at a committee. I commend you both. It's always great to see young people who are interested in getting involved in politics. I personally hope that you continue to remain involved and get involved with even more committees, because I think that's an excellent way of learning about democracy and democratic institutions, so I commend you both. Thank you for being here.

At this point, I just want to remind all committee members and everyone watching that the deadline for written submissions is 7 p.m. today, Friday, March 26, 2021, and the deadline for filing amendments to the bill is 12 noon on Monday, March 29, 2021.

The committee is now adjourned until 9 a.m. on Tuesday, March 30, 2021. Thank you, everyone. Have a great weekend, and stay safe.

*The committee adjourned at 1541.*



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